

EXHIBIT B.22

Page 1

1 MARK I. SOKOLOW, et al., * IN THE UNITED STATES
2 Plaintiffs, * DISTRICT COURT
3 vs. * FOR THE SOUTHERN
4 THE PALESTINE LIBERATION * DISTRICT OF NEW
5 ORGANIZATION, et al., * CIVIL ACTION NO.:
6 Defendants, * 04cv397 (GBD) (RLE)

7 * * * * *

8 VOLUME I of II

9 DEPOSITION OF:

10 DR. MATTHEW LEVITT,
11 was held on Tuesday, September 24, 2013,
12 commencing at 9:15 a.m., at Miller & Chevalier,
13 655 15th Street, N.W., Suite 900, Washington,
14 D.C., before Cheryl Jefferies, Certified
15 Shorthand Reporter.

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the PLAINTIFFS:</p> <p>4 BRIAN HILL, ESQ.</p> <p>KARA SCHMIDT, ESQ.</p> <p>5 ANDY WISE, ESQ.</p> <p>MILLER & CHEVALIER CHARTERED</p> <p>6 655 15th Street, N.W.</p> <p>Suite 900</p> <p>7 Washing, D.C. 20005</p> <p>(202) 626-6014</p> <p>8 E-mail: Bhill@milchev.com</p> <p>9</p> <p>10 On behalf of the DEFENDANTS:</p> <p>11 PHILIP W. HORTON, ESQ.</p> <p>ARNOLD & PORTER, LLP</p> <p>12 555 Twelfth Street, N.W.</p> <p>Washington, D.C. 20004</p> <p>(202) 942-5787</p> <p>13 E-mail: Philip_Horton@aporter.com</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>	<p>1 P-R-O-C-E-D-I-N-G-S</p> <p>2 (Defendant's Deposition Exhibit Number</p> <p>3 182 was premarked for identification.)</p> <p>4 WHEREUPON --</p> <p>5 DR. MATTHEW LEVITT,</p> <p>6 a Witness called for examination, having been</p> <p>7 first duly sworn, was examined and testified as</p> <p>8 follows</p> <p>9 EXAMINATION</p> <p>10 BY MR. HILL:</p> <p>11 Q. Please tell us your name?</p> <p>12 A. Dr. Matthew Levitt.</p> <p>13 Q. What is your home address?</p> <p>14 A. 11408 Heathercrest Lane, Silver</p> <p>15 Spring, Maryland 20902.</p> <p>16 Q. What's your Social Security Number?</p> <p>17 A. O14-64-O488.</p> <p>18 Q. I'm showing you what we've marked as</p> <p>19 Defendant's Deposition Exhibit Number 182. Do</p> <p>20 you recognize that?</p> <p>21 A. Yes.</p>

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<p>1 I-N-D-E-X</p> <p>2 Deposition of Dr. Matthew Levitt</p> <p>3 September 24, 2013</p> <p>4</p> <p>5 EXAMINATION BY: PAGE:</p> <p>6 Mr. Hill 4</p> <p>7</p> <p>8 EXHIBITS MARKED: PAGE:</p> <p>9 182 Expert Report 4</p> <p>10 183 CV 107</p> <p>11 184 USA Today Article 117</p> <p>12 185 Erased In A Moment Report 126</p> <p>13 186 Certificate of Translator 155</p> <p>14 187 Agence France Presse Report 186</p> <p>15 188 Salon.com Report 196</p> <p>16 189 BBC Report - 4/1/2004 210</p> <p>17 190 BBC News 216</p> <p>18</p> <p>19</p> <p>20 (Original Exhibits retained by counsel.)</p> <p>21</p>	<p>1 Q. What is it?</p> <p>2 A. This is my report.</p> <p>3 Q. Turn, if you will, to the last page.</p> <p>4 Is that your signature?</p> <p>5 A. It is. Messy, but it is.</p> <p>6 Q. Did you, in fact, sign Page 26 of this</p> <p>7 report on March 22nd of 2013?</p> <p>8 A. That's what it appears. That's what</p> <p>9 it's dated.</p> <p>10 Q. And was that signature with a pen or</p> <p>11 with a computer?</p> <p>12 A. This would be with a pen. I can't do</p> <p>13 that on a computer.</p> <p>14 Q. Look, if you will, at Page 1 of the</p> <p>15 report Roman Numeral Section I, Scope of</p> <p>16 Engagement. Does that, in fact, accurately</p> <p>17 describe the Scope of Engagement of your work in</p> <p>18 this case?</p> <p>19 A. Yes.</p> <p>20 Q. You indicate that you've been asked to</p> <p>21 provide expert testimony about the relationship</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 between the Al, A-L, Aqsa, A-Q-S-A, Martyrs 2 Brigades (AAMB) and Fatah, F-A-T-A-H, and any 3 support by the PA and PLO for terrorism, 4 including by the AAMB, during the second 5 Intifada, also known as the al-Aqsa Intifada. 6 Isn't that in fact what you were asked 7 to do in connection with this case? 8 A. Correct. 9 Q. Did you in fact provide any opinions 10 about whether the PLO supported terrorism during 11 the second Intifada? 12 A. I have to check the report. 13 Q. Please do so. 14 A. Thanks. 15 (Witness Reviews Document.) 16 A. You mind if I doggie ear just because 17 this is the one that's actually marked? It's not 18 a problem? 19 Q. You can fold it down if you'd like. 20 A. So the answer is: There's not a 21 section dedicated to the PLO as such. The PLO</p>	<p style="text-align: right;">Page 8</p> <p>1 the PLOCCA -- all caps P-L-O-C-C-A -- reports, 2 assessing PLO and PA compliance with commitments 3 made under the peace accords. And there are 4 several references here to PA and PLO. 5 Q. Okay. Any other instances where you 6 believe you've in the report expressed an opinion 7 about whether the PLO supported terrorism during 8 the second Intifada? 9 A. So it continues throughout. It's not 10 just Page 20, that section. So Page 21 we have 11 references to the PLO, Page 22. 12 Q. Is that it? 13 A. Yeah. 14 Q. Have you ever been a citizen of any 15 country other than the United States? 16 A. No. 17 Q. You ever applied for citizenship in 18 any nation other than the United States? 19 A. No. When I was young, my family lived 20 in Israel for a littler over two years. My 21 father worked for an American company there. I</p>
<p style="text-align: right;">Page 7</p> <p>1 comes up in the course of the discussion of PA 2 and Fatah, same as Fatah, F-A-T-A-H, because of 3 the close relationship between the PLO and the 4 PA, and the PLO and Fatah. So throughout the 5 report there are will references to the PLO, but 6 there's not a section on the PLO as such. 7 Q. Can you point me to an instance in the 8 report when you do offer an opinion about what 9 the PLO supported terrorism during the second 10 Intifada? 11 A. So for example on Page 15, first full 12 paragraph: "In addition to its intimate ties to 13 Fatah, the dominant faction within the PLO, the 14 Al-Aqsa Martyrs Brigades is also closely linked 15 to the PA and the various Palestinian security 16 forces." So we make reference to the PLO there. 17 Q. Okay. 18 A. And if you go to Page 20 where we 19 start the section entitled "Palestinian Authority 20 control over PA security forces during the 21 2000-2002 period," so there's reference here to</p>	<p style="text-align: right;">Page 9</p> <p>1 was never a citizen but, apparently, lived there 2 long enough to get the Israeli equivalent of a 3 Social Security Number. 4 Q. Have you ever lived in any country 5 other than the U.S. or Israel? 6 A. No. 7 Q. Have you ever resided in Israel other 8 than the period that you've just described? 9 A. I was in school there for the academic 10 year -- a gap year after high school, so '88, 11 '89, and then a third semester. So I guess that 12 was through about January 1990, with breaks 13 coming home. 14 Q. So you resided in Israel between 1988 15 and 1990 after high school; is that what you're 16 say? 17 A. Yes, and as a student. 18 Q. Where did you live? 19 A. I was in Jerusalem. 20 Q. What institution or institutions did 21 you attend?</p>

<p>Page 10</p> <p>1 A. I took a gap year for religious study, 2 so it was a religious school called -- and I'll 3 spell it for you -- Yeshivat Hakotel, 4 Y-E-S-H-I-V-A-T, which basically means school of, 5 H-A-K-O-T-E-L, which means The Kotel. The Kotel 6 is the western wall. It's a school in the Old 7 City of Jerusalem.</p> <p>8 Q. And you were enrolled in that 9 institution between 1988 and 1990?</p> <p>10 A. Yes, and that was in concert with my 11 undergraduate studies at Yeshiva University.</p> <p>12 Q. Did you receive any sort of degree or 13 certificate from the school in Jerusalem?</p> <p>14 A. No. I got credit at Yeshiva 15 University for studies there, and that's part of 16 the Yeshiva University transcript.</p> <p>17 Q. Any other occasions where you've 18 resided in Israel other than those you've 19 described today?</p> <p>20 A. No.</p> <p>21 Q. Do you currently have any family in</p>	<p>Page 12</p> <p>1 here. And I left in I think it was November 2 2001.</p> <p>3 Q. Any other occasions when you've held a 4 security clearance from the United States?</p> <p>5 A. So first of all, in the interim the 6 security clearance, you know, it's a five year 7 SSB review, so it continued a little while. So 8 then I went back to government later as the 9 Deputy Assistant Secretary for Intelligence and 10 Analysis at the Treasury Department across the 11 street, and that was in 2005, I think also 12 November. And I left in, I think it was January 13 2007.</p> <p>14 Q. When did the clearance that you first 15 obtained in 1998 expire or otherwise lapse?</p> <p>16 A. Probably five years later.</p> <p>17 Q. So you believe you had a security 18 clearance from approximately 1998 until 2003?</p> <p>19 A. It's not entirely clear. When you 20 leave, you do sign out of certain things, you 21 sign out of certain clearances, so I'm not clear.</p>
<p>Page 11</p> <p>1 Israel, the West Bank, or Jerusalem?</p> <p>2 A. No. I mean, I think I may have some 3 distant family I don't know about. But my wife 4 has family in Jerusalem, a great uncle, and she 5 has some cousins, and I don't know where all they 6 live. We're not particularly close.</p> <p>7 Q. Have you ever had a security 8 clearance?</p> <p>9 A. I have.</p> <p>10 Q. From what country or countries have 11 you received a security clearance?</p> <p>12 A. The United States.</p> <p>13 Q. Any others?</p> <p>14 A. No.</p> <p>15 Q. When did you receive the security 16 clearance from the U.S.?</p> <p>17 A. My first clearances came when I worked 18 at the FBI, so that was I think -- no, the 19 specific dates are on the report, but I think 20 it's November '98 is when I started. And I left 21 the Bureau in I think -- anyway, the dates are in</p>	<p>Page 13</p> <p>1 I don't think it was active, but the five-year 2 review would have been active. So there have 3 been times when, for specific consultancy that I 4 do for the government, I'll get read-in sometimes 5 just for the day, and then read-out. And they 6 can do that so long as those five-year reviews 7 are still in standing, good standing.</p> <p>8 Q. Were there occasions between the time 9 you left the FBI in 2001, and the time that the 10 clearance you received as a result of your FBI 11 clearance ultimately lapsed, that you read-in and 12 received classified information?</p> <p>13 A. No.</p> <p>14 Q. So your testimony is that after you 15 left the FBI, you did not receive any further 16 classified information?</p> <p>17 A. That's right.</p> <p>18 Q. Have you ever used the process you've 19 just described of reading-in to receive 20 classified information while you were not a 21 government employee?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Okay. When was that?</p> <p>3 A. Over the past few years. I don't have</p> <p>4 dates.</p> <p>5 Q. Was it after your stint at Treasury?</p> <p>6 A. Yes.</p> <p>7 Q. But you're testifying that did not</p> <p>8 happen between the time you left the FBI and the</p> <p>9 time you started at Treasury?</p> <p>10 A. Correct, to the best of my knowledge.</p> <p>11 Certainly no case where I was just kind of</p> <p>12 read-in and read-out for the day. I don't think</p> <p>13 there was any instance when I saw classified</p> <p>14 information between the FBI and Treasury.</p> <p>15 Q. Okay. What level of clearance did you</p> <p>16 receive when you worked at the FBI?</p> <p>17 A. TSSCI.</p> <p>18 Q. And what level of clearance did you</p> <p>19 receive when you worked at Treasury?</p> <p>20 A. The same.</p> <p>21 Q. And for the record, TSSCI, is that the</p>	<p style="text-align: right;">Page 16</p> <p>1 have you viewed classified information?</p> <p>2 A. Well, I can't go into the details of</p> <p>3 all of them, but I can put it to you this way:</p> <p>4 Sometimes the government, after the</p> <p>5 intelligence reform and Terrorism Prevention Act</p> <p>6 and the effort, post the Iraq war, to fix some of</p> <p>7 the intelligence and the local shortcomings, one</p> <p>8 of the things that was instituted was requirement</p> <p>9 for certain types of finished products to bring</p> <p>10 in an outside reader or outside readers. So I've</p> <p>11 been asked to do that.</p> <p>12 I also served as an advisor to General</p> <p>13 Jones at the end of the Bush Administration,</p> <p>14 before he was brought on as the National Security</p> <p>15 Advisor in the Obama Administration. President</p> <p>16 Bush had made him one of three different Middle</p> <p>17 East envoys to promote the Israeli-Palestinian</p> <p>18 Peace Process. General Dayton was the more</p> <p>19 famous. General Frazier was the least famous.</p> <p>20 General Jones was somewhere in the middle.</p> <p>21 And I was brought on as what's called</p>
<p style="text-align: right;">Page 15</p> <p>1 highest level of clearance?</p> <p>2 A. In laymen's terms, yes. There are</p> <p>3 lots of additional clearances and read-ins, so</p> <p>4 doesn't mean you get to see everything. Even if</p> <p>5 you have all the clearances, there's a need to</p> <p>6 know. You don't get to see everything. But in</p> <p>7 simple terms, it is the highest. There are</p> <p>8 actually higher. But, yes.</p> <p>9 Q. Okay. After you left Treasury in</p> <p>10 2007, did you ever receive any classified</p> <p>11 information?</p> <p>12 A. So I have seen classified information.</p> <p>13 I have not received. That is to say, I don't get</p> <p>14 it in my office. My office is not classified</p> <p>15 space. So there have been instances since then</p> <p>16 where I've been asked to do a consultancy for the</p> <p>17 government limited in time and scope, and have</p> <p>18 been allowed to, or asked to see classified</p> <p>19 information and comment on classified</p> <p>20 information.</p> <p>21 Q. In connection with what consultancies</p>	<p style="text-align: right;">Page 17</p> <p>1 a part-time government employee, which means that</p> <p>2 it's a certain number of hours, most of it is not</p> <p>3 in the State Department. No classified</p> <p>4 information ever came to me in my office, but</p> <p>5 there were times when I was asked to review</p> <p>6 classified information not in my office.</p> <p>7 That, of course, has to remain</p> <p>8 classified; I'm not allowed to use it for any</p> <p>9 work I do, not for a case like this, a book or</p> <p>10 anything. And I signed that away many times</p> <p>11 over.</p> <p>12 Q. Dr. Levitt, as you may know, by rule</p> <p>13 we have a limited amount of time to examine you</p> <p>14 in the case. Do you understand that?</p> <p>15 A. I think you have seven hours or</p> <p>16 something like that.</p> <p>17 Q. So I'd ask you to try and confine your</p> <p>18 answers to the questions I ask because we don't</p> <p>19 want to run the clock out, if you understand.</p> <p>20 A. Absolutely. I thought I was answering</p> <p>21 your question, and if you feel I'm not, feel free</p>

<p>1 to interrupt me.</p> <p>2 Q. Let me pose a different question:</p> <p>3 Did any of the consultancies you've</p> <p>4 just described, where you received classified</p> <p>5 information from the United States, relate to the</p> <p>6 Scope of Engagement in this case as described in</p> <p>7 Roman Numeral I of your report?</p> <p>8 A. None of the classified information I</p> <p>9 reviewed focused on the time period here.</p> <p>10 Q. So is the answer no?</p> <p>11 A. And some of the classified</p> <p>12 information, though not included here, or in any</p> <p>13 way relevant to the report, did involve issues</p> <p>14 related to the peace process and terrorism in the</p> <p>15 peace process, but not in the scope of time that</p> <p>16 we're talking about here.</p> <p>17 Q. So let me ask you some more specific</p> <p>18 questions about that in light of that answer:</p> <p>19 While you were consulting for the</p> <p>20 United States and receiving classified</p> <p>21 information, did you ever see any classified</p>	<p>Page 18</p> <p>1 Q. You're refusing to answer the question</p> <p>2 because that is a classified area?</p> <p>3 A. I wouldn't say refusing. I'm</p> <p>4 declining, because to get into the details of the</p> <p>5 classified information I saw, is in violation of</p> <p>6 all the different things I signed when I agreed</p> <p>7 not to divulge classified information.</p> <p>8 Q. Let me just try and get at it this</p> <p>9 way, Dr. Levitt:</p> <p>10 Can you testify under oath that you</p> <p>11 did not see classified information regarding</p> <p>12 whether the PA or PLO supported terrorism during</p> <p>13 the second Intifada?</p> <p>14 A. I have to say no, because I honestly</p> <p>15 don't know.</p> <p>16 Q. Can you testify that you have never</p> <p>17 seen classified information about the</p> <p>18 relationship between the AAMB and Fatah?</p> <p>19 A. I honestly don't know, so I'd have to</p> <p>20 say no.</p> <p>21 Q. I'd like to talk to you about your</p>
<p>Page 19</p> <p>1 information about the relationship between the</p> <p>2 AAMB and Fatah?</p> <p>3 MR. HORTON: Object to the form.</p> <p>4 You may answer.</p> <p>5 A. I'm not allowed to discuss details of</p> <p>6 any classified information I've seen. Nor,</p> <p>7 frankly, would I honestly remember it. It's very</p> <p>8 detailed stuff.</p> <p>9 But I did see classified information</p> <p>10 about the Israelis, the Palestinians, the peace</p> <p>11 process, Israeli compliance or noncompliance with</p> <p>12 their obligations; Palestinian compliance or</p> <p>13 noncompliance with their obligations, which are</p> <p>14 included in my area that I was brought in to be</p> <p>15 an expert on, was on the issue of terrorism from</p> <p>16 both sides, mind you, but terrorism.</p> <p>17 Q. So would it be fair to say that while</p> <p>18 you were consulting, you did see classified</p> <p>19 information relating to support by the PA or PLO</p> <p>20 for terrorism during the second Intifada?</p> <p>21 A. Again, I can't answer that question.</p>	<p>Page 21</p> <p>1 education. Where did you go to high school?</p> <p>2 A. Maimonides, M-A-I-M-O-N-I-D-E-S,</p> <p>3 School in Brookline, Massachusetts.</p> <p>4 Q. While you attended that school, did</p> <p>5 you take any courses related to the Scope of</p> <p>6 Engagement related, in this, as described in</p> <p>7 Roman Numeral I of your report?</p> <p>8 A. No. This is well before the time</p> <p>9 period we're talking about, before the founding</p> <p>10 of the Al Aqsa Martyrs Brigades. No.</p> <p>11 Q. You went to college at Yeshiva</p> <p>12 University?</p> <p>13 A. Yes.</p> <p>14 Q. While you were at Yeshiva, did you</p> <p>15 take any classes related to the Scope of</p> <p>16 Engagement in this report?</p> <p>17 A. Again, this predates the time period</p> <p>18 and predates the existence of Al Aqsa Martyrs</p> <p>19 Brigades. I did take a course; I don't think it</p> <p>20 was on the Israeli-Palestinian conflict and peace</p> <p>21 process, but there were readings about it. I</p>

<p style="text-align: right;">Page 22</p> <p>1 think it was more general international relations 2 course, so there were readings that related to 3 the Israeli Palestinian conflict.</p> <p>4 Q. Did the readings that you had while 5 you were in college at Yeshiva, relate to the 6 relationship between AAMB and Fatah?</p> <p>7 A. No, AAMB did not yet exist.</p> <p>8 Q. Did they relate to any support by the 9 PA or PLO for terrorism during the second 10 Intifada?</p> <p>11 A. Possibly.</p> <p>12 Q. When did you graduate from college?</p> <p>13 A. 1992.</p> <p>14 Q. How could work that you did in 1992, 15 relate to events that occurred in 2000 and 16 afterwards?</p> <p>17 A. I didn't understand that to be your 18 question.</p> <p>19 It would relate to things that had 20 happened until then. The PLO wasn't in existence 21 at the time.</p>	<p style="text-align: right;">Page 24</p> <p>1 research on the specific Scope of Engagement.</p> <p>2 Q. You went to graduate school at Tuffs, 3 right?</p> <p>4 A. Correct, The Fletcher School of Law 5 and Diplomacy.</p> <p>6 Q. Did you take any classes at Tuffs 7 related to the Scope of Engagement in this case?</p> <p>8 A. I did.</p> <p>9 Q. What was that?</p> <p>10 A. I took a variety of Middle East 11 courses that touched on a variety of things, 12 including the Israeli-Palestinian conflict. And 13 I had the Middle East, although they call it 14 Southwest Asia, as one of my cones of 15 concentration.</p> <p>16 I also did a lot of work on this and 17 another cone, which was on international 18 negotiation and conflict resolution, and wrote 19 part of my Master's Thesis on Negotiations 20 Related to the Madrid Peace Conference.</p> <p>21 Q. Did any of your course work at Tuffs</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Let me ask a different question; maybe 2 we'll get a different answer:</p> <p>3 While you were in college, did you 4 take any courses relating to any support by the 5 PA or PLO for terrorism during the second 6 Intifada?</p> <p>7 A. No.</p> <p>8 Q. Did you do any academic research in 9 college relating to the Scope of Engagement in 10 this case?</p> <p>11 A. Not during the second Intifada, no.</p> <p>12 Q. And the Scope of Engagement is limited 13 to the second Intifada, correct? That's what it 14 says on the first page of your report.</p> <p>15 A. That's correct.</p> <p>16 Q. So it is the case that you did no 17 academic research in college related to the Scope 18 of Engagement in this case, correct?</p> <p>19 A. I did research that's related to the 20 issues that are covered in the Scope of 21 Engagement. But as such, no, I did not do</p>	<p style="text-align: right;">Page 25</p> <p>1 pertain to the relationship between the AAMB and 2 Fatah?</p> <p>3 A. No, the AAMB did not yet exist.</p> <p>4 Q. Did any of your course work at Tuffs 5 pertain to support by the PA or PLO for terrorism 6 during the second Intifada?</p> <p>7 A. Not during the second Intifada.</p> <p>8 Q. Did you do any academic research at 9 Tuffs relating to the relationship between the 10 AAMB and Fatah?</p> <p>11 A. Well, actually, the way you asked that 12 question just triggered in my mind: Are we 13 asking now specifically about the Master's, the 14 Master's and Ph.D., because there's a very big 15 time difference between the two.</p> <p>16 Q. I mean any of your work at Tuffs. Did 17 you do any academic research regarding the 18 relationship between the AAMB and Fatah, as part 19 of your education at Tuffs?</p> <p>20 A. It's possible that there was research 21 related to the AAMB and Fatah, towards the latter</p>

<p style="text-align: right;">Page 26</p> <p>1 years, as I was writing my dissertation. The 2 dissertation was on an earlier period, but a lot 3 of the research took me to more near-term things, 4 especially the field research on the ground -- 5 not for the Master's -- which ended in 1995.</p> <p>6 Q. So we can agree that, as far as your 7 Master's degree goes, you did not do any academic 8 research on the relationship between AAMB and 9 Fatah, correct?</p> <p>10 A. Correct.</p> <p>11 Q. As far as your Master's Degree goes, 12 is it the case that you did not do any research 13 on support by the PA or PLO for terrorism during 14 the second Intifada?</p> <p>15 A. I'm not sure about the PA, which had 16 just been created just around the week that I 17 started graduate school.</p> <p>18 But the PLO, I probably did.</p> <p>19 Q. When did you receive your Master's 20 Degree?</p> <p>21 A. Master's Degree in 1995.</p>	<p style="text-align: right;">Page 28</p> <p>1 covered things in there through maybe even '98, 2 certainly '97. The 1990s.</p> <p>3 Q. Is it your testimony that your 4 dissertation did not cover the period beginning 5 in 2000 and afterwards?</p> <p>6 A. Correct.</p> <p>7 Q. You said you might have done some 8 field research that related to the relationship 9 between AAMB and Fatah; is that correct?</p> <p>10 A. Not the AAMB.</p> <p>11 Q. Okay. So you have not done any field 12 research about the relationship between the AAMB 13 and Fatah; is that correct?</p> <p>14 A. Incorrect.</p> <p>15 Q. What field research have you done 16 about the relationship between the AAMB and 17 Fatah?</p> <p>18 A. To be clear: We're not moving beyond 19 The Fletcher School Master's and Ph.D.?</p> <p>20 Q. Let's be clear, then: 21 Your work at Fletcher did not involve</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. How could you have done research on 2 PLO support for terrorism during the second 3 Intifada, in 1995?</p> <p>4 A. Not the second Intifada, but the PLO.</p> <p>5 Q. Okay. So let me ask the question 6 again: 7 As far as your Master's Degree goes, 8 it's accurate to say that you have not done any 9 academic research related to PA or PLO during the 10 second Intifada, correct?</p> <p>11 A. Correct.</p> <p>12 Q. When did you receive your Ph.D.?</p> <p>13 A. 2005.</p> <p>14 Q. And you indicated that your 15 dissertation pertained to the Israeli-Palestinian 16 peace process?</p> <p>17 A. Correct.</p> <p>18 Q. What period of time did your 19 dissertation concern?</p> <p>20 A. Really was focused -- it was on the 21 1990s, primarily 1993 through -- we probably</p>	<p style="text-align: right;">Page 29</p> <p>1 field research on the AAMB and its relationship 2 to Fatah, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And your work at Fletcher did 5 not involve field research on support by the PA 6 or PLO for terrorism during the second Intifada, 7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Have you done any field research on 10 the relationship between the AAMB and Fatah?</p> <p>11 A. Yes.</p> <p>12 Q. For what academic degree did you do 13 that research?</p> <p>14 A. This was not for a degree. This was 15 for what I do as a professional researcher on 16 these issues.</p> <p>17 Q. What do you mean when you say, field 18 research?</p> <p>19 A. Well, there are lots of ways to do 20 research -- I'll start over and take your 21 admonition to heart and try to make that shorter.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. I appreciate it. 2 A. Field research is travelling, or it 3 doesn't even have to be travel. It could be 4 meeting someone here in Washington, D.C., but 5 meeting people, interviewing people, going and 6 seeing firsthand. Primary field research is 7 going and experiencing it firsthand. 8 Q. Have you done any primary field 9 research about the relationship between the Al 10 Aqsa Martyrs Brigades and Fatah? 11 A. Yes. 12 Q. Describe that for me. 13 A. Well, I don't have the dates handy. 14 But for the period of the second Intifada, like 15 many others focused on counter-terrorism and 16 interested in Israeli-Palestinian peace, I was 17 highly focused on the issue of terrorism, as it 18 relates to the peace process, and spent time 19 interviewing people here in Washington, in 20 Europe, in Israel, and in the West Bank, many 21 different times on terrorism from all these</p>	<p style="text-align: right;">Page 32</p> <p>1 the relationship between AAMB and Fatah? 2 A. The answer is the same. Within being 3 able to reference, you know, schedules or notes 4 or something, I couldn't tell you who I met with 5 several years ago on any given subject, including 6 Al Aqsa Martyrs and Fatah. 7 Q. Just for the record -- 8 A. But to be clear -- I'm sorry to 9 interrupt. 10 Q. Please finish. 11 A. But to be clear: By the nature of my 12 work, I'm not ever focused on any one issue in 13 isolation, so it wouldn't be that there was -- or 14 it would be rare for there to be a meeting that 15 was just about, for example, Al Aqsa and Fatah, 16 especially if it was Europeans or Americans. 17 Maybe it would be more specific 18 sometimes if it was with Palestinian authority 19 officials, or with Israeli officials. But 20 especially in the West, usually we'll spend time 21 talking about the Israel/Palestinian peace</p>
<p style="text-align: right;">Page 31</p> <p>1 parties, not only Fatah or Al Aqsa Martyrs, but 2 Hamas for Jewish extremist groups, and the full 3 spectrum. 4 Q. Okay. I'd like you to focus, if you 5 would, sir, on the field research relating to the 6 AAMB and Fatah, because that's what we're here to 7 talk about today. 8 Who did you interview in Washington 9 about the relationship between AAMB and Fatah? 10 A. I'd have no way to remember that. 11 You're talking about this is what I do on a 12 regular basis, especially here in Washington, 13 where I'm based, so I'm meeting with people all 14 the time. And at this period of time, I would 15 have been meeting with people all the time, too. 16 Q. Is it correct that today you cannot 17 give me the name of a single person that you 18 believe you interviewed in Washington about the 19 relationship between AAMB and Fatah? 20 A. By memory, no. 21 Q. Who did you interview in Europe about</p>	<p style="text-align: right;">Page 33</p> <p>1 process. We'll spend time talking about 2 Al-Qaeda. 3 Q. So for the record, you cannot tell me 4 today the name of a single person in Europe that 5 you have interviewed concerning the relationship 6 between AAMB and Fatah, correct? 7 A. Correct. 8 Q. Can you tell me the name of a single 9 person in Israel that you have interviewed about 10 the relationship between the AAMB and Fatah? 11 A. That's going to be the same answer for 12 each of these questions. 13 I interview lots and lots of people. 14 I can't remember who I interviewed when, and on 15 what subject. So, no. 16 So a lot of people -- and even if I 17 can remember specific names, I can't honestly 18 tell you that that conversation, we talked about 19 this issue as opposed to another issue. So, no. 20 Q. And can you tell me the name of a 21 single person in the West Bank that you've</p>

<p style="text-align: right;">Page 34</p> <p>1 interviewed about the relationship between the 2 AAMB and Fatah?</p> <p>3 A. Same. I've been in lots of meetings, 4 but there's no way for me to be able to remember 5 that kind of detail in isolation.</p> <p>6 Q. Okay. Apart from the interviews in 7 D.C., Europe, Israel, and the West Bank that 8 you've described, have you done any other primary 9 field research on the relationship between the Al 10 Aqsa Martyrs Brigades and Fatah?</p> <p>11 A. It's really difficult to say.</p> <p>12 Again, I've had meetings many times 13 with Jordaneans. The Palestinian issue often 14 comes up: Could it have included PLO, PA, Fatah, 15 Al Aqsa Martyr Brigade issues? Yes, and at some 16 points it may -- it probably did.</p> <p>17 Q. Am I correct, sir, that you cannot 18 tell me today the single name of any person any 19 where in the world that you have interviewed on 20 the issue of the relationship between the AAMB 21 and Fatah?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Again, I do lots and lots of field 2 research. So what I've told you are the 3 instances, in general terms, of course, that are 4 the most likely to have covered this topic.</p> <p>5 It's possible it came up in meetings 6 I've had, say, with Egyptians. And it's 7 possible -- I mean, not possible. It's very 8 likely that when Palestinians come here, I talk 9 to them, or Israelis come here. It's not just 10 there. This is something I do on a very, very 11 regular basis.</p> <p>12 So without giving you a definitive -- 13 I mean, I can't give you a definitive answer 14 other than: Nothing that I can recall 15 specifically.</p> <p>16 Q. Are you relying on the field research 17 you've described as a basis for your opinions 18 that are expressed in your report in this case?</p> <p>19 A. So a report like this gets footnoted 20 extensively, and I try to provide there the 21 sources that I've relied upon for those specific</p>
<p style="text-align: right;">Page 35</p> <p>1 A. By memory, no.</p> <p>2 Q. This may be the same answer for the 3 other. Let's see if we can shortcut it.</p> <p>4 Can you tell me the name of a single 5 person anywhere in the world that you've 6 interviewed about support by the PA for terrorism 7 during the second Intifada?</p> <p>8 A. I'm going to have to answer no. I 9 could sit here and try and recreate, and I may be 10 able to come up with some names, but not with 11 great confidence that I'm remembering the right 12 meeting at the right time.</p> <p>13 Q. Can you tell me the name of a single 14 person anywhere in the world that you've 15 interviewed about support by the PLO for 16 terrorism during the second Intifada?</p> <p>17 A. Not without reference to something.</p> <p>18 Q. Okay. Apart from the interviews that 19 you've described, have you done any other field 20 research related to the Scope of Engagement of 21 your work on this case?</p>	<p style="text-align: right;">Page 37</p> <p>1 facts. And in that sense, the report relies on 2 the citations that are included here. So in that 3 sense, no.</p> <p>4 The reality is that we're all informed 5 and affected by our experiences. And, so, you 6 know, my understanding of this issue set, one of 7 the larger issues set within which the specific 8 Scope of Engagement falls, is certainly informed 9 by the time I've spent researching this issue. 10 But I have tried to be very careful -- hopefully 11 I've been successful -- in providing, for all 12 parties' concern, the specific citations for any 13 particular facts included here in the report.</p> <p>14 Q. Let me try asking it this way: 15 Did you consider any of the field 16 research that you've described in forming your 17 opinions that are expressed in the report in this 18 case?</p> <p>19 A. I'm sorry, I don't understand the 20 question.</p> <p>21 Did I consider them? Is that the same</p>

<p style="text-align: right;">Page 38</p> <p>1 as: Did I write them? I'm not sure what you 2 mean. 3 Q. Do you understand what the word 4 "consider" means? 5 A. I'd like you to define it for me. 6 Q. Why don't you tell me what you think 7 it means, and maybe we can go with that. 8 A. It's your question, why don't you tell 9 me what you're asking. 10 Q. So you don't know what the word 11 "consider" means? 12 A. I'm going to ask you to tell me what 13 you're asking. 14 Q. Did you take into mind or into 15 consideration? Do you understand that 16 definition, sir? 17 A. You realize you just used the same 18 word to define the word? I'm not trying to play 19 games with you here. I think I answered your 20 question the first time. I'll try and do it 21 again, if you like.</p>	<p style="text-align: right;">Page 40</p> <p>1 fact here is source to a specific citation. 2 Q. Are the opinions based on the research 3 that you've described today? 4 A. The opinions are based on the facts in 5 the report. 6 Q. Are they based on the field research 7 that you've described here today, yes or no, 8 please? 9 MR. HORTON: I object to the form. 10 If you can answer a question yes or 11 no, that's fine. If you can't, then he can't 12 tell you how to answer a question. 13 BY MR. HILL: 14 Q. Or you could say, "I don't know," if 15 you don't know, I suppose. It's got to be one of 16 those three, right? 17 MR. HORTON: I'll object. No, it need 18 not be one of those three. 19 MR. HILL: So I'll pose the question 20 again. 21 Q. The field research you've described</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. Well, let's try it again. 2 You understand what the word 3 "consider" means, right? 4 A. We're just going to go in circles 5 here. I have an understanding of what it means. 6 But this is your question, so -- 7 Q. What does the word "consider" mean to 8 you, Dr. Levitt? 9 A. It can mean lots of things. It can 10 mean take into account. Does that work for you? 11 Q. Did you take into account the field 12 research that you have described today, in 13 forming your opinions that are expressed in your 14 report in this case? 15 A. The opinions are based on the 16 citations that are provided here (Indicating). 17 Q. Is it correct to say, then, that the 18 opinions are not based on the field research that 19 you've described today? 20 MR. HORTON: Object to the form. 21 A. It's correct to say that any given</p>	<p style="text-align: right;">Page 41</p> <p>1 today, are your opinions, as expressed in the 2 report in this case, based on that field 3 research? 4 A. They are based on the citations in the 5 report. 6 Q. I understand that, sir. 7 Are they based on the field research? 8 A. Nothing here is cited to the field 9 research. 10 Q. Does the field research -- try a 11 different question. 12 Did you take into account the field 13 research in forming your opinions in this case? 14 A. I honestly don't know how to answer 15 that question. 16 In other words, nothing in this report 17 is based on something that came directly out of 18 the field research. But I feel like you're 19 asking me to try and divorce or parse out. As 20 I'm writing something or as I'm reviewing 21 something it's in a particular source. Can I</p>

<p style="text-align: right;">Page 42</p> <p>1 tell you that it didn't ring a bell or 2 recollection from something from an interview? I 3 can't say that. 4 I can say that I wouldn't put 5 something into a report that didn't fit the kind 6 of body of knowledge that I've accumulated from 7 that research. So in that sense, there is a 8 connection, but I can't say it's divorced. But I 9 can't say that this is based on that, either. 10 Q. Are you relying on the field research 11 to support any of the opinions you've expressed 12 in the report in this case? 13 A. I think it's safer to say no. 14 Again, I wouldn't reach a conclusion 15 if I thought it didn't fit the body of evidence 16 as I know it. But there are citations for the 17 points that are made here (Indicating). 18 Q. You mentioned that you have lived in 19 Israel. Have you ever worked for the government 20 of Israel? 21 A. No -- well, I had an internship when I</p>	<p style="text-align: right;">Page 44</p> <p>1 A. No. 2 Q. Have you ever received any classified 3 information from the Israeli government? 4 A. Not to my knowledge. 5 Q. Have you ever received any classified 6 information from any government other than the 7 United States? 8 A. Not to my knowledge. 9 Q. Have you ever received any money from 10 the Israeli government for any reason? 11 A. Not to my knowledge, no. 12 Q. Have you ever received any information 13 from the Israeli government about the Scope of 14 Engagement in this case? 15 A. Yes. 16 Q. Is the information you received from 17 the Israeli government anything other than what 18 you've cited in the report? 19 A. Probably. 20 Q. What other information have you 21 received from the Israeli government that relates</p>
<p style="text-align: right;">Page 43</p> <p>1 was in graduate school, an unpaid internship at 2 the Israeli Consulate in Boston. 3 Q. How long did that position last? 4 A. It was just two, three, four, five 5 weeks, something like that. As part of the 6 Fletcher School's program, you're supposed to 7 have a summer internship before your first and 8 second years. And I was a parent already and 9 didn't have the flexibility to be able to come 10 down to Washington and New York, and so this is 11 what I was able to finagle, if you were in 12 Boston, to do something related to the 13 international relations I was studying over the 14 summer. 15 Q. And again, Dr. Levitt, I hesitate to 16 interrupt you, but the question was: How long 17 did it last? So if you could just confine your 18 answers to the questions, I think we'll get 19 through more quickly, at least. 20 Did you receive any classified 21 information from the Israeli government?</p>	<p style="text-align: right;">Page 45</p> <p>1 to your Scope of Engagement in this case? 2 A. I answered "probably" for a reason, 3 because I can't know for sure, and I wouldn't be 4 able to, therefore, tell you a specific report. 5 But the Israelis produced lots of 6 reports related to issues that relate to the 7 Scope of Engagement, especially during the second 8 Intifada, largely based on raids they have 9 conducted in the West Bank, in particular. 10 Most of that material has been made 11 public and some of that public material is 12 included in the report. And some of it, I don't 13 know if all of it -- let me rephrase. I don't 14 know if all of it has. And I believe that some 15 of it I got while it was in the process of being 16 kind of put online, so I might have had it before 17 it became public. 18 Q. Is it fair to say that all of the 19 information you've received from the Israeli 20 government about the Scope of Engagement in this 21 case, that you're relying on for your opinions,</p>

<p style="text-align: right;">Page 46</p> <p>1 is cited in your report?</p> <p>2 A. Yes, with the same caveat that, you</p> <p>3 know, again I can't -- I'd like it to be simple,</p> <p>4 but I can't lie to you and say that, you know --</p> <p>5 I am informed by the body of evidence that I've</p> <p>6 seen, so I can't remember anything specific,</p> <p>7 but --</p> <p>8 Q. Okay. Sitting here today, you can't</p> <p>9 tell me any information you've received from the</p> <p>10 Israeli government that relates to the Scope of</p> <p>11 the Engagement other than that that you've cited</p> <p>12 in the report, correct?</p> <p>13 A. Correct.</p> <p>14 Q. While you were working at the FBI, did</p> <p>15 you do any work related to the Scope of</p> <p>16 Engagement in this case?</p> <p>17 A. No, in the sense that it's predicated Al</p> <p>18 Aqsa Martyrs in part, so part of it I can say</p> <p>19 definitively because it didn't exist. But the</p> <p>20 details of what I did at the FBI, I was on the</p> <p>21 intelligence side of the house, so all the</p>	<p style="text-align: right;">Page 48</p> <p>1 really started before I left. I left in 2001.</p> <p>2 And September 2000 is often the time period</p> <p>3 that's pointed to.</p> <p>4 Q. So let me ask you the question again,</p> <p>5 sir:</p> <p>6 While you were at the FBI, did you do</p> <p>7 any work relating to support by the PA or PLO for</p> <p>8 terrorism during the second Intifada?</p> <p>9 A. I can't answer that.</p> <p>10 Q. Okay. And you can't answer that</p> <p>11 because?</p> <p>12 A. Because your original assumption that</p> <p>13 the second Intifada didn't coincide with when I</p> <p>14 was with the FBI, was erroneous. And because I</p> <p>15 am not allowed to talk about what I did at the</p> <p>16 FBI, because it's classified.</p> <p>17 Q. Okay. So can you testify that while</p> <p>18 you were at the FBI, you did not do any work on</p> <p>19 the issue of support by the PA or PLO for</p> <p>20 terrorism during the second Intifada?</p> <p>21 A. I'm sorry, I don't see how that</p>
<p style="text-align: right;">Page 47</p> <p>1 classification issues we discussed earlier, I</p> <p>2 can't get into the details.</p> <p>3 Q. Okay. Well, let me be more precise</p> <p>4 and see if we can get to the nub here:</p> <p>5 While you were at the FBI, did you do</p> <p>6 any work about the relationship between the AAMB</p> <p>7 and Fatah?</p> <p>8 A. No.</p> <p>9 Q. While you were at the FBI, did you do</p> <p>10 any work about support by the PA or PLO for</p> <p>11 terrorism during the second Intifada?</p> <p>12 A. I can't answer that.</p> <p>13 Q. How could you have done work on the</p> <p>14 second Intifada before the second Intifada</p> <p>15 started?</p> <p>16 A. I'm sorry, I was just hearing PA, PLO.</p> <p>17 Q. Let me ask the question again:</p> <p>18 While you were at the FBI, did you do</p> <p>19 any work regarding any support of the PA or PLO</p> <p>20 for terrorism during the second Intifada?</p> <p>21 A. Well, actually, the second Intifada</p>	<p style="text-align: right;">Page 49</p> <p>1 question is different than the first.</p> <p>2 Q. Okay. So you can't say that, either?</p> <p>3 A. I can't say what I did or did not work</p> <p>4 on when I was at the FBI.</p> <p>5 Q. Okay. So just so the record is clear,</p> <p>6 Dr. Levitt, you cannot tell me whether your work</p> <p>7 at the FBI involved the issue of whether the PA</p> <p>8 or PLO supported terrorism during the second</p> <p>9 Intifada?</p> <p>10 A. I can't -- correct.</p> <p>11 Q. And that is because you believe that</p> <p>12 the answer to that question would require you to</p> <p>13 reveal classified information?</p> <p>14 A. Correct.</p> <p>15 Q. While you were at the Treasury</p> <p>16 Department, did you do any work on the</p> <p>17 relationship between the Al Aqsa Martyrs Brigades</p> <p>18 and Fatah?</p> <p>19 A. Possibly.</p> <p>20 Q. You say "possibly." Is that because</p> <p>21 you don't remember?</p>

<p style="text-align: right;">Page 50</p> <p>1 A. I don't remember specifics. It was a 2 different job. I was not in the weeds, as such, 3 like when I was at the FBI, "A." 4 And "B," I can't remember when this 5 started percolating-up as an issue for Treasury. 6 Obviously, it did, at some point, and the 7 designation came later. But I can't remember 8 when this first started percolating-up. 9 Probably, in earnest, after I left. 10 Q. Okay. So your best answer, your best 11 guess is that you did work on the relationship 12 between Fatah and AAMB at Treasury? 13 A. No, my best guess is that I -- I don't 14 know. I'm just trying to think this through for 15 a second. 16 (Witness Pausing) 17 A. I guess the best guess is: I don't 18 know. 19 Q. Okay. While you were working at 20 Treasury, did you do any work on whether the PA 21 or PLO supported terrorism during the second</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. And to tell me that you didn't see it, 2 would also be classified; is that your testimony? 3 A. As I understand it, yes. 4 Q. Would you agree with me, sir, that 5 there's no way for me to find out what you know 6 about the relationship between AAMB and Fatah, as 7 a result of your work at Treasury? 8 A. There is no way for you to know what 9 work I specifically did at Treasury, correct. 10 Q. Would you also agree with me that 11 there is no way for me to find out whether you 12 know anything about whether the PA or PLO 13 supported terrorism during the second Intifada, 14 as a result of your work at the Treasury? 15 A. Come to think of it, I don't know if 16 there's no way. There's no way for me to answer 17 the question. 18 You could probably petition to a 19 Freedom of Information Act, people who are in a 20 position to be able to say "that's not 21 classified" or "it's declassified" -- which I</p>
<p style="text-align: right;">Page 51</p> <p>1 Intifada? 2 A. Not that I recall. 3 Q. While you were at Treasury, did you 4 see any classified information about the 5 relationship between the AAMB and Fatah? 6 A. I can't talk about what classified 7 information I did or did not see when I was at 8 Treasury. 9 Q. So for the record, you cannot tell me 10 whether, during your time at Treasury, you were 11 exposed to classified information about the 12 relationship between the AAMB and Fatah, correct? 13 A. Correct. 14 Q. While you were at Treasury, did you 15 see any classified information related to whether 16 the PA or PLO supported terrorism during the 17 second Intifada? 18 A. I couldn't answer that, either. 19 Q. And, again, you cannot tell me whether 20 you saw such classified information or not? 21 A. Because it would be classified.</p>	<p style="text-align: right;">Page 53</p> <p>1 can't -- might be able to do that. There might 2 be ways, but I can't tell you. 3 Q. Did you also do some work for the 4 State Department? 5 A. This is what we discussed earlier, 6 yes. 7 Q. And did any of your work for the State 8 Department concern the relationship between the 9 AAMB and Fatah? 10 A. Possibly. 11 Q. You say "possibly." Is that because 12 you can't remember, or you can't tell me? 13 A. Well, I can't remember. And if I 14 could, I couldn't have told you. 15 Q. Okay. 16 A. But, honestly, I can't remember. 17 It's likely because the Special Envoy 18 for Middle East Regional Security, SEMERS. 19 THE REPORTER: Centers? 20 THE WITNESS: SEMERS, Special Envoy 21 for Middle East Regional Security.</p>

<p>1 MR. HILL: It's an acronym. 2 THE WITNESS: It's an acronym. Thank 3 you, that's the word I'm looking for. My 4 doctor's taken me off caffeine. It's terrible. 5 A. And was focused on, among other 6 things, terrorist actors from either the 7 Palestinian side of the equation, or the Israeli 8 side of the equation, trying to -- or effectively 9 undermining prospects for peace, so -- 10 Q. So is it your best recollection that 11 while you were working for State, you did do work 12 on the relationship between the AAMB and Fatah? 13 A. It's my recollection? No, I don't 14 recall specifically one way or the other. It may 15 well have been part of the larger piece of what 16 we were doing, but I can't recall. 17 Q. Okay. While you were working at 18 State, did you receive any classified information 19 about the relationship between AAMB and Fatah? 20 A. I don't recall. 21 Q. Can you testify that while you were at</p>	<p>Page 54</p> <p>1 A. I've done plenty of analysis and 2 commentary on the Al Aqsa Martyrs Brigades and 3 Fatah, their relationship, their relationship to 4 the PA. It may or may not have gone as far as, 5 then, the PLO. 6 Q. What form did that analysis or 7 commentary take? 8 A. It would be hard for me to recall 9 offhand the specifics. But I believe you have a 10 copy of my full CV, which should have a full list 11 of all of my policy briefs and editorials and 12 journal articles, and all of that, in detail. 13 Q. So you're saying, sir, that to the 14 extent you've done analysis or commentary about 15 the Scope of Engagement in this case, it will be 16 listed on your CV? 17 A. It should be in that, you know, the 18 full CV. 19 Q. You also mention that you frequently 20 do consulting. Have you done any consulting 21 about the subject of this report?</p>
<p>1 State, you did not receive any classified 2 information about AAMB or Fatah? 3 A. No, it would still require me to 4 recall one way or the other. And I'd love to be 5 able to answer your question more definitively, 6 but still I can't recall. 7 Q. Okay. While you were working for the 8 State Department, did you do any work on the 9 issue of whether the PA or PLO supported 10 terrorism during the second Intifada? 11 A. Also, I can't recall. 12 Q. While you were working at State, did 13 you receive any classified information about 14 whether the PA or PLO supported terrorism during 15 the second Intifada? 16 A. And, again, I honestly don't recall. 17 And if I did, I couldn't have told you. 18 Q. Your report indicates that you 19 frequently work as an analyst and a commentator. 20 Have you done any analysis or commentary about 21 the Scope of Engagement in this case?</p>	<p>Page 55</p> <p>1 A. No. Other than to say, for example, 2 working in this case, no. 3 Q. Okay. Have you ever seen any wiretaps 4 or intercepts about the subject of this report? 5 A. I'm sorry, if I could go back: There 6 may have been other cases that I've given expert 7 advice or testimony on, that related 8 peripherally, but I don't think -- 9 Q. Other lawsuits, you mean? 10 A. Right, right. Kind of in my database, 11 that goes under consulting. 12 Q. Okay. 13 A. I'm sorry, I wanted to give you a full 14 answer. Sorry to interrupt you. 15 Q. The consulting that you've done, as it 16 relates to the Scope of Engagement, has been this 17 lawsuit and other lawsuits, right? 18 A. To the best of my knowledge, yes. 19 Q. And apart from work on lawsuits, have 20 you done any other consulting relating to your 21 Scope of Engagement in case?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. Not to my knowledge.</p> <p>2 Q. Have you ever seen any intercepts or</p> <p>3 wiretaps about the Scope of Engagement in this</p> <p>4 case?</p> <p>5 A. I'm not allowed to comment on what</p> <p>6 intercepts I've ever seen and what they relate</p> <p>7 to. But I do not recall ever being given any</p> <p>8 intercepts outside of government -- you've asked</p> <p>9 about some of the -- by anybody, U.S., Europeans,</p> <p>10 Israelis, anybody, in terms of my research.</p> <p>11 Q. So the only intercepts or wiretaps</p> <p>12 that you ever recall seeing about the Scope of</p> <p>13 Engagement in this case, were part of your</p> <p>14 government service, correct?</p> <p>15 A. I didn't say that. I didn't say that</p> <p>16 any wiretaps that I've seen, related to this. I</p> <p>17 didn't say what they related to, at all.</p> <p>18 This or any wiretaps or intercepts</p> <p>19 I've ever seen, I can't talk about.</p> <p>20 Q. I see. So it's possible that you have</p> <p>21 seen some wiretaps or intercepts about the</p>	<p style="text-align: right;">Page 60</p> <p>1 just have to say: I can't answer the question.</p> <p>2 Q. Okay. As far as our inquiry goes</p> <p>3 today, you're not going to tell me about any</p> <p>4 classified information you've ever seen about</p> <p>5 whether the PA or the PLO may have supported</p> <p>6 terrorism during the second Intifada, correct?</p> <p>7 A. Right, I'm not going to be able to</p> <p>8 comment about any of the intelligence that I've</p> <p>9 ever seen.</p> <p>10 Q. Okay. You teach at Johns Hopkins,</p> <p>11 right?</p> <p>12 A. Not anymore.</p> <p>13 Q. You used to teach there?</p> <p>14 A. I used to teach there.</p> <p>15 Q. Okay. And did you ever teach any</p> <p>16 classes at Johns Hopkins about the Scope of</p> <p>17 Engagement in this case?</p> <p>18 A. Not per se. I originally taught a</p> <p>19 course called something like Contemporary</p> <p>20 Terrorism and Its Responses, or something like</p> <p>21 that. And it did have a -- you know, one week</p>
<p style="text-align: right;">Page 59</p> <p>1 relationship between the AAMB and Fatah, and you</p> <p>2 just can't tell me about them because they're</p> <p>3 classified, right?</p> <p>4 A. I can't tell you what I have or</p> <p>5 haven't seen because it's classified.</p> <p>6 Q. Okay. It's possible you've also seen</p> <p>7 wiretaps or intercepts about support by the PA or</p> <p>8 PLO for terrorism during the second Intifada,</p> <p>9 but, again, you can't tell me about that because</p> <p>10 it's classified?</p> <p>11 (No Response)</p> <p>12 Q. Correct?</p> <p>13 A. I'm thinking it through.</p> <p>14 (Witness Pause.)</p> <p>15 A. I just don't know where the line is</p> <p>16 drawn. If you were to ask me if I've ever seen</p> <p>17 an interception about, you know, Dumbo the</p> <p>18 Elephant, I could probably answer that. But in</p> <p>19 theory, I'm not supposed to answer whether or not</p> <p>20 I've seen intercepts related to, confirm or deny,</p> <p>21 you know, whatever I've seen. So I think I'd</p>	<p style="text-align: right;">Page 61</p> <p>1 was on Al-Qaeda, and there was at least one week</p> <p>2 that was on Palestinian terrorism groups and</p> <p>3 Jewish extremists groups and --</p> <p>4 Q. Okay. How many times did you teach</p> <p>5 that class?</p> <p>6 A. I taught that class for a few years.</p> <p>7 Let's see, I left the FBI in 2001, and I think I</p> <p>8 started there in 2002, so probably three or four</p> <p>9 years.</p> <p>10 Q. Did you teach it once a year? Twice a</p> <p>11 year? Three times a year?</p> <p>12 A. Once a year.</p> <p>13 Q. So you think you taught that course</p> <p>14 maybe three or four times?</p> <p>15 A. Something like that.</p> <p>16 Q. Okay. Did part of the teaching in the</p> <p>17 course you've described at Johns Hopkins, involve</p> <p>18 discussions of the relationship between the AAMB</p> <p>19 and Fatah?</p> <p>20 A. Probably not as such. It probably</p> <p>21 included discussions of AAMB, but probably was</p>

<p>1 more focused on the larger groups, Hamas. 2 Q. Okay. Did you assign any readings on 3 the issue of the relationship between AAMB and 4 Fatah, to your students when you were teaching 5 that class? 6 A. I don't recall. But the syllabi are 7 probably still online, you could probably find 8 that out. 9 Q. Okay. Where would I go to find that? 10 A. Probably SAIS's website or an archive 11 of it. 12 Q. Okay. And what's the name of the 13 class I'm looking for again? 14 A. I think it was called Contemporary 15 Terrorism and the American Response, or something 16 like that. 17 Q. Do you have the course number? 18 A. No, not offhand. 19 Q. Did that course that you taught at 20 Johns Hopkins involve any discussion of the issue 21 of whether the PA or PLO supported terrorism</p>	<p>Page 62</p> <p>1 A. SAIS, S-A-I-S, the School of Advanced 2 International Studies. 3 Q. And that's here in Washington, right? 4 A. Yes. 5 Q. Have you taught any other classes 6 about the Scope of Engagement in this course, 7 other than the one we've discussed? 8 A. No. The other course I taught at 9 SAIS -- let me be specific. The course we've 10 discussed, I taught after I left the FBI and 11 before I went to Treasury. 12 When I left Treasury and was invited 13 to come back to SAIS, I taught a different course 14 called Combatting the Financing of Transnational 15 Threats, so that was more focused on the 16 financing issue. 17 Q. Did that class involve the 18 relationship between the AAMB and Fatah? 19 A. Not as such. There was never a 20 lecture on that. It's possible there were 21 readings that covered some stuff related to that.</p>
<p>1 during the second Intifada? 2 A. Not that I recall. There was a week 3 session on state sponsorship, so it's possible 4 that came up as an example of something that's a 5 little more complicated, but I don't recall 6 offhand. 7 Q. And do you recall assigning any 8 readings on the issue of whether the PA or PLO 9 supported terrorism during the second Intifada, 10 to your students for that course? 11 A. I don't think I did. But, honestly, I 12 don't remember the specific readings. 13 Q. Were any of your course lectures 14 recorded in any fashion? 15 A. It's possible. If I had to, you know, 16 miss a class or something, sometimes they get 17 recorded. I don't know if they kept them. I 18 don't have them. 19 Q. If I wanted to see if there were any 20 recordings of your teaching on this subject, 21 where would I go to look for that?</p>	<p>Page 63</p> <p>1 Q. Okay. Can you recall any of those 2 readings today? 3 A. No. 4 Q. And would those be on your course 5 syllabus, as well? 6 A. They would, yes. 7 Q. Do you have a copy of that? 8 A. Not here, no. 9 Q. Where would I go to find that? 10 A. It's the same. If they keep it, it 11 would be on their website or maybe on the archive 12 website. 13 Q. Did you ever teach any other classes 14 about whether the PA or PLO supported terrorism 15 during the second Intifada? 16 A. No, and I didn't teach any courses 17 that were specific to that. That just might have 18 come up in those other courses I taught. 19 Q. Sitting here today, you can't recall 20 if that subject ever came up in any of these 21 classes, can you?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. No.</p> <p>2 Q. You can't remember a student saying,</p> <p>3 "Professor Levitt, I want to talk about whether</p> <p>4 the PA supported terrorism during the second</p> <p>5 Intifada"?</p> <p>6 A. Sitting here today, I couldn't tell</p> <p>7 you anything that my students specifically asked</p> <p>8 me about. So could they have? Absolutely. Do I</p> <p>9 remember it over, what was it, eight or nine</p> <p>10 years teaching? No.</p> <p>11 It was not the subject of the class,</p> <p>12 but the class was kind of taking a cut across a</p> <p>13 thematic issue and using lots of different case</p> <p>14 studies. So is it possible that this came up,</p> <p>15 and even if it wasn't in the syllabus, that some</p> <p>16 student wanted to write a paper about it or do a</p> <p>17 weekly assignment about it? It's possible.</p> <p>18 Q. Can you recall a student ever writing</p> <p>19 a paper about the Scope of Engagement --</p> <p>20 A. I don't remember.</p> <p>21 Q. -- in this case?</p>	<p style="text-align: right;">Page 68</p> <p>1 television, print, radio, related to this.</p> <p>2 Q. Okay. Well, let me ask you a more</p> <p>3 specific question:</p> <p>4 Sitting here today, can you recall an</p> <p>5 instance when you were interviewed about the</p> <p>6 relationship between Al Aqsa and Fatah?</p> <p>7 A. No, I can't remember any specific</p> <p>8 interview. This was a --</p> <p>9 Q. Sitting here --</p> <p>10 A. I'm sorry.</p> <p>11 Q. That's okay.</p> <p>12 Sitting here today, can you recall an</p> <p>13 instance where you were interviewed about whether</p> <p>14 the PA or PLO supported terrorism during the</p> <p>15 second Intifada?</p> <p>16 A. No.</p> <p>17 Q. Your report indicates that you</p> <p>18 frequently attend meetings as part of your</p> <p>19 professional work. Sitting here today, can you</p> <p>20 recollect attending a meeting where a topic of</p> <p>21 discussion was the relationship between AAMB and</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Sorry to interrupt you.</p> <p>2 I don't remember. You know, I</p> <p>3 couldn't tell you the specific topic of any of</p> <p>4 their papers, no.</p> <p>5 Q. Is it fair to say, sir, that sitting</p> <p>6 here today you can't recall doing any work as a</p> <p>7 teacher on the Scope of Engagement in this case?</p> <p>8 A. Not specifically, no.</p> <p>9 Q. Have you ever been on tenure track</p> <p>10 position at any University?</p> <p>11 A. No.</p> <p>12 Q. Have you ever given any interviews</p> <p>13 where you were interviewed about the Scope of</p> <p>14 Engagement in this case?</p> <p>15 A. I'm sure.</p> <p>16 Q. Okay. When?</p> <p>17 A. God only knows. The nature of my work</p> <p>18 is I do a lot of television, radio interviews on</p> <p>19 issues of the day. This was one of the key</p> <p>20 issues of the day in the time period in question</p> <p>21 and, so, I'm sure I did plenty of interviews,</p>	<p style="text-align: right;">Page 69</p> <p>1 Fatah?</p> <p>2 A. Again, I don't remember any specific</p> <p>3 meeting. But this was one of the things that I</p> <p>4 was most focused on at the time, doing a lot of</p> <p>5 work on it. I'm sure there were many meetings</p> <p>6 about it.</p> <p>7 Q. But sitting here today, you can't give</p> <p>8 me a specific meeting where that was the topic of</p> <p>9 discussion, correct?</p> <p>10 A. No. And to be honest, I'd have a hard</p> <p>11 time remembering what the topics of discussions</p> <p>12 were at meetings I had last week or the week</p> <p>13 before, but --</p> <p>14 Q. So just, again, for the record, I</p> <p>15 probably know the answer, but let's get it on the</p> <p>16 record:</p> <p>17 Sitting here today, can you recall for</p> <p>18 me any particular meeting where the topic was</p> <p>19 whether the PA or PLO supported terrorism during</p> <p>20 the second Intifada, that you attended?</p> <p>21 A. Again, I'm sure I attended many, and I</p>

<p style="text-align: right;">Page 70</p> <p>1 can't remember the specifics of any given one. 2 That was many years ago. 3 Q. Your report also mentions that you 4 frequently attend conferences. Can you recall 5 any conferences you attended where the subject 6 was the Scope of Engagement for this report? 7 A. Not off the cuff, no. I'm sure if I 8 had a list of my conferences in front of me, and 9 the panel discussions that were being had, it 10 might be possible to spark memory. 11 I'm sure this was a topic of -- it was 12 a topic of heated discussion, and I was very 13 focused on it at the time. But I can't recall 14 for you the specifics of meetings, you know, a 15 decade ago. 16 Q. You mention that you were in panel 17 discussions. Can you recall a panel discussion 18 where the topic was the relationship between AAMB 19 and Fatah, that you participated in? 20 A. Not as such, no. 21 Q. Can you recall a panel discussion</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Same. No. 2 Q. You cannot? 3 A. Not off the cuff. 4 Q. You mention in your report that you 5 frequently read materials. 6 Other than the material you've cited 7 in your report, can you recollect any other 8 material you've read about the relationship 9 between the AAMB and Fatah? 10 A. Seriously? I mean, you're actually 11 asking me to tell you if I've ever read any 12 material related to this, and expect me to be 13 able to remember it? 14 I'm sure I read reams, reams and reams 15 of material related to this. 16 Q. Can you tell me the name of any 17 particular document in the ream of material that 18 you believe you have read about the relationship 19 between AAMB and Fatah, other than the material 20 that's cited in your report? 21 A. First of all, I couldn't remember for</p>
<p style="text-align: right;">Page 71</p> <p>1 where the topic was whether the PA or PLO 2 supported terrorism during the second Intifada, 3 where you were part of the panel? 4 A. Not off the cuff, no. 5 Q. You mention that you frequently 6 lecture, in your report. Can you recall ever 7 giving a lecture on the topic of the relationship 8 between the AAMB and Fatah? 9 A. Again, not as such. I was doing a lot 10 of research in this time, so it stands to reason 11 that I was speaking on the subject, though it 12 probably wouldn't have been entitled exactly 13 that, but -- 14 Q. Can you recall any occasion where 15 you've spoke publicly on the topic of the 16 relationship between AAMB and Fatah? 17 A. The specifics, no. 18 Q. Can you recall any occasion when you 19 spoke publicly on the issue of whether the PA or 20 PLO supported terrorism during the second 21 Intifada?</p>	<p style="text-align: right;">Page 73</p> <p>1 you the titles of the materials that's cited in 2 the report, to exclude them from this list, if I 3 could even remember the list. So, no. 4 Q. Can you tell me the name of any 5 material you've read about whether the PA or PLO 6 supported terrorism during the second Intifada, 7 other than the material that's cited in the 8 report? 9 A. Same. There's no way for any person 10 to be able to remember a specific name of 11 articles and journal articles and books that one 12 reads years ago. 13 Q. Can you tell me the authors of any of 14 these publications that pertain to the 15 relationship between the AAMB and Fatah? 16 A. No. 17 Q. Can you tell me the names of any 18 authors that you've read regarding whether the PA 19 or PLO supported terrorism during the second 20 Intifada? 21 A. I'm sorry, can you repeat that?</p>

<p style="text-align: right;">Page 74</p> <p>1 Someone's flipping lights on and off behind you. 2 Q. Beg your pardon. 3 Can you tell me the name of any 4 authors who you have read on the topic of whether 5 the PA or PLO supported terrorism during the 6 second Intifada? 7 A. Off the cuff, no, I don't make it a 8 practice to memorize authors of things I've read. 9 Q. Are you familiar with the term 10 "primary source"? 11 A. I am. 12 Q. What is a primary source? 13 A. Well, a primary source is someone who 14 is close to the issue. In other words, we were 15 talking earlier about primary sorts of resources, 16 going out talking to people, people who were 17 involved, who have direct-access involvement. 18 Q. And we already talked earlier about 19 the field research that you've done in connection 20 with the report. 21 Other than what we've discussed, have</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Not off the cuff, no. 2 Q. Can you recollect the name of any 3 other expert that you've had a discussion with 4 about whether the PA or PLO supported terrorism 5 during the second Intifada? 6 A. No. 7 Q. Are you familiar with the term "peer 8 review"? 9 A. I am. 10 Q. What does peer review mean? 11 A. Peer review means -- it's an academic 12 publishing term. So if you publish, whether it's 13 a journal article or a book, with an 14 academically-oriented outfit, they will take the 15 article and submit it for peer review. Review by 16 peers, professionals in the field who have some 17 type of expertise on the issue, almost always 18 anonymously, to review your article or chapter or 19 book, and provide input back. 20 That input can be, "Wonderful. 21 Publish it." "Terrible. Don't publish it." Or</p>
<p style="text-align: right;">Page 75</p> <p>1 you spoken to any other primary sources about the 2 Scope of Engagement in this report? 3 A. So you're asking me: Other than the 4 primary field research, have I ever spoken to a 5 primary source? That's a mutually exclusive -- 6 Q. The answer is no? It's a tautology; 7 is what you're saying? 8 A. Right. It's mutually exclusive, "Have 9 you ever spoken to anyone other than the people 10 you've spoken to?" 11 Q. So we've covered the ground in terms 12 of primary sources that you have exposure to 13 about the topics in this report, right? 14 A. Probably. 15 Q. Your report indicates that you have 16 regular discussions with other experts in the 17 field. 18 Can you recollect the name of any 19 other expert that you have discussed the issue of 20 the relationship between Al Aqsa Martyrs Brigades 21 and Fatah with?</p>	<p style="text-align: right;">Page 77</p> <p>1 more often than not, "Useful contribution," but 2 suggest to you, "Change this. Add this," et 3 cetera. 4 Q. Has any of your prior writing about 5 the relationship between AAMB and Fatah been 6 subject to peer review? 7 A. I'd have to go back and check. I 8 don't remember the list of articles I've written 9 on this. But I've written plenty, and I can't 10 remember where they were published. 11 A lot of my publishing is done in 12 newspaper editorials, or policy journals, which 13 are not peer reviewed. A lot of it is done in 14 peer reviewed journals. And Al Aqsa Martyrs 15 Brigade might have come -- I'm sure it did come 16 up -- not as a focus -- as an aside as it related 17 to Hamas, in my book on Hamas, which was 18 published by Yale, and was very much peer 19 reviewed. 20 Q. Okay. Apart from a potential aside in 21 the book on Hamas, can you today recollect any</p>

<p style="text-align: right;">Page 78</p> <p>1 instance where you wrote something about the 2 relationship between AAMB and Fatah, that was 3 subject to peer review?</p> <p>4 A. By recollection, no. But it's a 5 little -- don't get me wrong, but it's a little 6 silly question. This is easily checkable. You 7 should have the full list.</p> <p>8 Q. Sitting here today, can you recollect 9 any instance where you wrote something about 10 whether the PA or PLO supported terrorism during 11 the second Intifada, that was peer reviewed?</p> <p>12 A. I don't remember where they were 13 published. But, again, we can check that.</p> <p>14 Q. The report has not been peer reviewed, 15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Are you familiar with the term "fact 18 check"?</p> <p>19 A. Yes.</p> <p>20 Q. What does that mean?</p> <p>21 A. Fact checking is the process of going</p>	<p style="text-align: right;">Page 80</p> <p>1 now -- I'd have to go back and check. And it 2 could have been a research assistant. It could 3 have been an intern. It could have been neither.</p> <p>4 Q. Okay. Give me the names of the 5 possible candidates who might have fact checked 6 your reports?</p> <p>7 A. Jonathan Prohov.</p> <p>8 Q. Could you spell his name, please?</p> <p>9 A. P-R-O-H-O-V. Divah, D-I-V-A-H, 10 Alshawa, A-L-S-H-A-W-A. There were a couple 11 other short-term interns in there whose names 12 escape me.</p> <p>13 Q. So those are the possible candidates 14 who might have fact checked your report?</p> <p>15 A. As I recall. As I said, there were 16 other short-term interns and --</p> <p>17 Q. And where is Mr. Prohov today?</p> <p>18 A. He is still a research assistant at 19 the Washington Institute.</p> <p>20 Q. And how about Ms. Alshawa?</p> <p>21 A. She is at the Treasury Department.</p>
<p style="text-align: right;">Page 79</p> <p>1 back and literally checking the facts. 2 So it can be as simple as making sure 3 that a quote, as is written in an article or a 4 report, appears exactly as it was in the original 5 source; that you didn't have a typo, or didn't 6 remember something, or whatever. And, so, just 7 checking the facts.</p> <p>8 It can be as simple as typos to, you 9 know: Was it this amount of money or that amount 10 of money? Was it on this date or that date?</p> <p>11 And sometimes you can fact check on 12 your own. You can have someone else fact check.</p> <p>13 Q. Okay. Did anyone fact check your 14 report?</p> <p>15 A. I do have a research assistant who 16 regularly does fact checking for me, and it's 17 possible that he or she did some fact checking 18 for this, I don't recall.</p> <p>19 Q. Who was your research assistant in 20 March of 2013?</p> <p>21 A. I'd have to go back and check. It's</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. How would you go about determining 2 whether, in fact, your report was fact checked?</p> <p>3 A. I'd have to check notes.</p> <p>4 Q. Do you have notes about this report?</p> <p>5 A. It's possible. I'd have to check.</p> <p>6 Q. Where would your notes be located?</p> <p>7 A. They'd probably be in my office 8 somewhere.</p> <p>9 Q. Have you looked for whether you have 10 notes on this report?</p> <p>11 A. I have not.</p> <p>12 Q. Did anyone ask you to look for notes 13 about this report?</p> <p>14 A. No.</p> <p>15 Q. Are you aware that your office was 16 served with a subpoena related to this report?</p> <p>17 A. I was aware that there was a subpoena 18 back and forth, that eventually went to the 19 lawyers. It was amusing. I've done this many 20 times. This is the only time there's ever been a 21 subpoena.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. Did you do anything to look for the 2 material requested by that subpoena? 3 A. Very much so. 4 Q. But you did not look for notes as part 5 of that process? 6 A. Whatever it told me to do, believe you 7 me, I looked very carefully. 8 Q. And did you find anything as a result 9 of looking for stuff in response to that 10 subpoena? 11 A. If there was anything found -- and we 12 looked carefully -- it was provided. 13 Q. And who did you provide that to? 14 A. I don't remember if it was to the 15 lawyers I was working with, or whatever the 16 process was at the time. I took some time, and I 17 didn't really have the time for it, but I did it 18 as required. 19 Q. What's the name of the person that you 20 gave the material you found when you looked for 21 it?</p>	<p style="text-align: right;">Page 84</p> <p>1 one in there because I said, "the best you can." 2 And you go through -- or I go through the sources 3 and try and make sure that each thing corresponds 4 as it should. 5 You know how it is in the editing 6 process you, by mistake, maybe cut and pasted a 7 little too far and you include a footnote, and 8 suddenly a footnote drops and that shoves them 9 all off. So you check to make sure that the 10 footnotes in the final product are as you 11 intended them to be. 12 Q. Did you in fact check all the sources 13 that are cited in the footnotes of your report? 14 A. I believe so. 15 Q. When did you do that? 16 A. I don't remember. It would have been 17 sometime before the 22nd of March. 18 Q. And at the time that you checked the 19 footnotes sometime before the 22nd of March of 20 this year, were the footnotes accurate? 21 A. As far as I can remember.</p>
<p style="text-align: right;">Page 83</p> <p>1 A. If there was any material to give, I 2 don't remember, it was one of the lawyers 3 involved in this case. 4 I recall in the end, I assume it was 5 your law firm provided the subpoena to someone 6 else. It wasn't actually provided to me, because 7 the person kept coming when I was out of town. 8 So I assume it would have been that person. 9 Q. So just so the record is clear: Today 10 you're not sure whether your report has been fact 11 checked, right? 12 A. I'm sure I did my fact checking of it, 13 as best I could. I'm can't remember if I had 14 someone else fact check it. 15 Q. Now, when you said you did your fact 16 checking as best you could, what do you mean by 17 that? 18 A. Well, you don't just, you know, write 19 something and type the last word, and hit enter 20 and print and send. So you try the best you can 21 to review it for typos, or if there's at least</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Your report also mentions that you've 2 received a number of awards and honors. 3 Have you received any awards or honors 4 for work related to the Scope of Engagement of 5 this report? 6 A. I have received no honor that rewards 7 me for the specific language in the Scope of this 8 Engagement. 9 Q. You also mention that you're in the 10 Council on Foreign Relations. 11 Have you done any work at the Council 12 of Foreign Relations related to the Scope of 13 Engagement in this case? 14 A. Not that I recall. 15 Q. You also mention that you worked for 16 something called the ICT. What is that? 17 A. I don't work for the ICT. The ICT is 18 the Institute for Counterterrorism, and it is a 19 University-affiliated think tank in Israel. 20 Q. Which University is it affiliated 21 with?</p>

<p>1 A. It's called the Interdisciplinary 2 Center. It's, I think, the largest private 3 University in the country.</p> <p>4 Q. And what is your connection with ICT? 5 You said you did not work for them. How are you 6 related to them?</p> <p>7 A. Lots of organizations like that will 8 have -- they'd call it different names, but 9 basically an international advisory board. It's 10 not a staff position. It's not paid position. 11 And what it means is that every once and 12 awhile -- and usually it's quite the while -- 13 they'll ask your opinion about something.</p> <p>14 THE REPORTER: The last what?</p> <p>15 THE WITNESS: And it really is every 16 once in awhile they'll ask your opinion.</p> <p>17 MR. HILL: They'll ask your opinion 18 about something.</p> <p>19 THE REPORTER: Thank you.</p> <p>20 MR. HILL: And it really is: Every 21 once in a while they'll ask your opinion.</p>	<p>Page 86</p> <p>1 speak at that conference? 2 A. Yeah. I've missed it sometimes. It's 3 not every year, but most years.</p> <p>4 Q. You also mention that you've had some 5 work related to something called the ICPVTR in 6 Singapore; is that right?</p> <p>7 A. Right. And you have it in front of 8 you. I'll ask you to spell it out. I don't even 9 remember what it stands for.</p> <p>10 Q. The International Centre for Political 11 Violence and Terrorism Research.</p> <p>12 A. Thank you.</p> <p>13 Q. What work have you done with that 14 organization?</p> <p>15 A. Very similar. It's really, in both 16 cases, it's a perfunctory sitting on their 17 international advisory board. Occasionally, they 18 seek advice, or they'll have a student who's 19 doing research and they'll ask you to be 20 available for an interview, or provide some 21 guidance on the substance for a career type of</p>
<p>1 BY MR. HILL:</p> <p>2 Q. Did you finish your answer?</p> <p>3 A. Yes.</p> <p>4 Q. Have you ever received any money from 5 ICT?</p> <p>6 A. No. They have covered -- I go to 7 their annual conference and they have paid I 8 think hotel, as they do I think for most of their 9 speakers. Most or all or -- well, I don't know.</p> <p>10 Q. You've spoken at their conferences?</p> <p>11 A. Yes.</p> <p>12 Q. On how many occasions?</p> <p>13 A. Several. It's an annual conference, 14 and I speak most years.</p> <p>15 Q. Is it always in the same place?</p> <p>16 A. Pardon?</p> <p>17 Q. Is it always held in the same place?</p> <p>18 A. Yes.</p> <p>19 Q. Where is that?</p> <p>20 A. Herzliya, H-E-R-Z-L-I-Y-A, in Israel.</p> <p>21 Q. So you go to Israel once a year to</p>	<p>Page 87</p> <p>1 thing. 2 I think I went out there to speak for 3 them only once, years ago. I had a conference 4 that they -- I don't know if it was only them, or 5 if they co-sponsored it, but it was in Singapore, 6 where they're located.</p> <p>7 Q. Did your work for the ICT or the 8 ICPVTR, have anything to do with the Scope of 9 Engagement in this case?</p> <p>10 A. Well, again, I have not worked for 11 either.</p> <p>12 My very limited affiliation with 13 either has not been on any project of any sort on 14 this or anything else. No.</p> <p>15 Q. So the connection with that is not 16 connected to this report, right?</p> <p>17 A. Correct.</p> <p>18 Q. You've also mentioned that you've done 19 some teaching at West Point and George 20 Washington. Just so the record is clear: None 21 of that teaching has anything to do with the</p>

<p style="text-align: right;">Page 90</p> <p>1 Scope of Engagement in this case, correct?</p> <p>2 MR. HORTON: Object to the form.</p> <p>3 A. So let me clarify: George Washington</p> <p>4 is not teaching. I've had a fellowship at a</p> <p>5 think tank, the Homeland Security Policy</p> <p>6 Institute, HSPI, at George Washington.</p> <p>7 And West Point, I had a fellowship</p> <p>8 there at one point and periodically taught --</p> <p>9 West Point had a contract to provide teaching for</p> <p>10 the FBI Academy, and I think it might have been</p> <p>11 some other FBI and other intelligence community</p> <p>12 trainings. And as part of that, I was an</p> <p>13 instructor for some of their courses. So just to</p> <p>14 clarify.</p> <p>15 And so the answer regarding George</p> <p>16 Washington is: No, I don't think I've done</p> <p>17 anything with them relating to</p> <p>18 Israeli-Palestinian conflict issues.</p> <p>19 But, again, this is easily checked.</p> <p>20 I'm just doing this from memory.</p> <p>21 And West Point, I don't think that any</p>	<p style="text-align: right;">Page 92</p> <p>1 THE WITNESS: Sorry.</p> <p>2 MR. HILL: That's all right.</p> <p>3 BY MR. HILL:</p> <p>4 Q. You mention that you've testified</p> <p>5 before Congress.</p> <p>6 Has any of your Congressional</p> <p>7 testimony related to the Scope of Engagement in</p> <p>8 this case?</p> <p>9 A. We'd have to check. Again, you have</p> <p>10 that list. It's possible.</p> <p>11 Q. Sitting here today, you cannot</p> <p>12 recollect an instance when you testified before</p> <p>13 Congress about the relationship between the AAMB</p> <p>14 and Fatah, correct?</p> <p>15 A. I don't remember the specific</p> <p>16 testimony as I've given over the years.</p> <p>17 It's very likely that this was part of</p> <p>18 the Congressional testimony I'd given at one</p> <p>19 point or another, but I don't recall.</p> <p>20 Q. Okay. Sitting here today, you cannot</p> <p>21 recollect any Congressional testimony relating to</p>
<p style="text-align: right;">Page 91</p> <p>1 of it was specifically on this, but it could have</p> <p>2 come up in courses on larger issues. Again, I</p> <p>3 think I've taught a course for them on state</p> <p>4 sponsorship issues, or that included state</p> <p>5 sponsorship issues, so it might have come up</p> <p>6 then. I really don't remember. But it would not</p> <p>7 have been a course on the specifics of the Scope</p> <p>8 of Engagements.</p> <p>9 Q. So sitting here today, you can't</p> <p>10 recall any teaching in connection with the West</p> <p>11 Point work related to the Scope of Engagement in</p> <p>12 this case, correct?</p> <p>13 A. Again, no teaching of an entire course</p> <p>14 on this.</p> <p>15 Could it have come up? Could it have</p> <p>16 come up? Yes, but it would have been as part of</p> <p>17 a discussion related to a larger theme.</p> <p>18 THE WITNESS: Does anybody else want</p> <p>19 water, by the way?</p> <p>20 (No response.)</p> <p>21 MR. HILL: Go right ahead.</p>	<p style="text-align: right;">Page 93</p> <p>1 whether the PA or PLO supported terrorism during</p> <p>2 the second Intifada, correct?</p> <p>3 A. No, I cannot recollect.</p> <p>4 But, again, we can -- very quickly</p> <p>5 you'd be able to check this. You should have the</p> <p>6 full list.</p> <p>7 Q. You mention that you previously</p> <p>8 testified as an expert witness in court.</p> <p>9 Has any of your prior testimony in</p> <p>10 court pertained to the Scope of Engagement in</p> <p>11 this case?</p> <p>12 A. I don't think so.</p> <p>13 Q. Okay.</p> <p>14 A. I've done it a few times and, so,</p> <p>15 sometimes it kind of bleeds one thing into the</p> <p>16 other. Sometimes it's hard to remember, you</p> <p>17 know: Was that a case that I did testify in, or</p> <p>18 didn't? But I don't think I have.</p> <p>19 Q. Sitting here today, can you recollect</p> <p>20 being deposed about the Scope of Engagement in</p> <p>21 this case, in any other case?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. No. I've been deposed on issues 2 relating to the Israeli-Palestinian conflict, but 3 not specifically to the issues in the Scope of 4 Engagement.</p> <p>5 Q. Okay. And is it correct, sir, that 6 you have never been previously qualified to 7 testify as an expert on the Scope of Engagement 8 in this case?</p> <p>9 A. That's a pretty narrow Scope of 10 Engagement, so I have not been -- I have never 11 been asked to provide testimony on this specific 12 Scope of Engagement, and have never been 13 qualified.</p> <p>14 I have been qualified everytime it's 15 ever come up. I've never not been qualified. 16 But I've never been asked to be qualified on 17 this.</p> <p>18 Q. Okay. So on the other occasions where 19 you have been qualified as an expert witness, 20 those have been on subject matters other than 21 this particular Scope of Engagement, right?</p>	<p style="text-align: right;">Page 96</p> <p>1 the Scope of Engagement in this case? 2 A. One was a case that related to the 3 Israeli-Palestinian conflict, though not Al Aqsa 4 Martyrs Brigade. That was a case involving the 5 PFOP in Denmark, not specific to the Scope of 6 Engagement, but related. That's it.</p> <p>7 Q. And the Denmark testimony, just so the 8 record is clear, did not involve the issue of 9 whether the PA or PLO supported terrorism during 10 the second Intifada, correct?</p> <p>11 A. There may have been questions that got 12 to that line of questioning because of the 13 question of the PFOP was a constituent element of 14 the PLO. So that might have come up, and it 15 might have come up in the written testimony, as 16 well.</p> <p>17 Q. Do you have a copy of that testimony? 18 A. It's possible. Not here. 19 Q. Where would it be located? 20 A. In the court in Denmark. 21 Q. Is there any copy located in the</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Well not really, no. 2 Some of them where the case wasn't 3 specific to this, my testimony was quite broad 4 and I was qualified as an expert on things as 5 broad as, you know, Middle East terrorism, 6 terrorism in the Israeli-Palestinian conflict, 7 this type of thing. And some of the testimony 8 might have touched on issues relating to the 9 Scope of Engagement, as sometimes the questions 10 would get very detailed and historical.</p> <p>11 Q. But you've never been qualified as an 12 expert on the relationship between the AAMB and 13 Fatah, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And you've never been qualified as an 16 expert on whether the PA or PLO supported 17 terrorism during the second Intifada, correct?</p> <p>18 A. Correct.</p> <p>19 Q. You mention that you previously 20 testified in Canada or Europe. Did that foreign 21 testimony, if you will, have anything to do with</p>	<p style="text-align: right;">Page 97</p> <p>1 United States that you're aware of? 2 A. I don't know. 3 Q. You mention that you submitted some 4 written testimony. Do you have a copy of that? 5 A. I mentioned that it might be. I can't 6 remember if I did submit some written testimony. 7 As you're aware different cases even in the 8 United States, some do, some don't. And I don't 9 maintain hard copies of those. And it's possible 10 that there's soft, I don't know. 11 Q. How much have you been paid for your 12 work on this case? 13 A. As I say up front in the Scope of 14 Engagement, I was paid \$5,000.00 for the drafting 15 of this report. And the hourly rate we're 16 working at now is \$400.00 an hour. 17 Q. How much time did you spend in working 18 on this report? 19 A. I don't recall. 20 Q. Did you work on it before you signed 21 it on March 22nd?</p>

<p style="text-align: right;">Page 98</p> <p>1 A. By definition. 2 Q. But you don't have any recollection of 3 how long you spent working on it prior to signing 4 it? 5 A. That's right. 6 Q. At your hourly rate, \$5,000.00 would 7 be about 12 and a half hours, by my math. 8 Do you think you spent 12 and a half 9 hours working on the report before you signed it? 10 A. I have no idea. 11 Q. Could it have been less than 12 and a 12 half hours? 13 A. Probably not. It takes time. It 14 happens to be an issue on which, as we've 15 discussed earlier, I've done a lot of work, 16 didn't need to do perhaps as much original work 17 for this research, that is to say, as I might 18 have for other things. But I honestly don't know 19 the hours, the number of hours. Probably a lot 20 more than 12, is my guess. 21 Q. Okay. When did you first start</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. What work did you do in connection 2 with the Klineman case? 3 A. I was an expert. 4 Q. And did you prepare a report in that 5 case? 6 A. I don't remember if there was a report 7 prepared in that case. And there hasn't been 8 testimony yet. 9 Q. This is, in fact, the first time 10 you've ever testified in a case against the PA or 11 PLO, right? 12 A. It's possible, yes. 13 Q. You can't recollect any other 14 testimony where the defendant was the PA or PLO? 15 A. No, I don't think I was. I'm pretty 16 certain this is the first. 17 Q. Did you ever work on a case called 18 Sapperstein? 19 A. I did. 20 Q. What work did you do in that case? 21 A. Sapperstein, I have to check. I can't</p>
<p style="text-align: right;">Page 99</p> <p>1 working on this report? 2 A. No idea. 3 Q. Was it in the Year 2012? 4 A. No idea. I have no idea when I was 5 first approached about this case. I'd have to go 6 back and look. It's probably some e-mails or 7 something somewhere, but I really don't remember. 8 Q. Did anyone else work on this report? 9 A. No. 10 Q. Did you have help from anyone in 11 connection with this report? 12 A. No. 13 Q. Have you previously done work as an 14 expert witness in cases against the PA or the 15 PLO? 16 A. I think there is one other, which I 17 don't know where it stands. I think that was the 18 Klineman case. 19 THE REPORTER: Klineman? 20 THE WITNESS: Yeah, I think it's 21 Klineman. I think K-L-I-N-E-M-A-N, perhaps.</p>	<p style="text-align: right;">Page 101</p> <p>1 remember if I testified in that case, or wrote a 2 report. I apologize, but that's easy to check. 3 It's not off memory sitting here. 4 Q. Did you ever work on a case called 5 Parsons? 6 A. Yes. In that case, I'm pretty sure 7 that -- I don't think I did a report. I did not 8 testify. I don't think I testified. 9 Q. Did you ever work on a case called 10 Ungar, U-N-G-A-R? 11 A. I don't think I -- it's familiar. I 12 can't recall if I had some involvement. 13 There are times when I'll be 14 approached for advice or something, or as a 15 consultant, and there's no report, there's no 16 testimony. And sometimes just because I follow 17 these things, it's familiar. 18 But these are things that I can check 19 and definitively answer, just not sitting here 20 off memory. 21 Q. Okay. Who approached you about</p>

<p>1 working as an expert witness in this case? 2 A. I think it was first Nitsana Darshan 3 Leitner. 4 THE REPORTER: Say that again. 5 THE WITNESS: First name Nitsana, 6 N-I-T-S-A-N-A. Middle name D-A-R-S-H-A-N. Last 7 name L-E-I-T-N-E-R, I think. It may not be 8 exact. 9 THE REPORTER: Thank you. 10 BY MR. HILL: 11 Q. Do you know how much you've been paid 12 to act as an expert in cases against the PA or 13 the PLO? 14 A. No. 15 Q. Do you know how much you've generally 16 been paid to serve as an expert witness across 17 all of the cases where you've testified? 18 A. No. 19 Q. Is it hundreds of thousands of 20 dollars? 21 A. Not hundreds. But over the more than</p>	<p>Page 102</p> <p>1 A. So we discussed earlier there's some 2 references in the Hamas book. 3 Negotiating Under Fire is the 4 published book version of my dissertation which 5 we discussed earlier, which predates. 6 And Targeting Terror is a collection 7 of essays, and there are some that are 8 specifically related to the issues at hand, yes. 9 Q. You mentioned that the Hamas book was 10 peer reviewed. 11 Was Targeting Terror peer reviewed? 12 A. Yes, and no. 13 So Targeting Terror was published by 14 The Washington Institute, the think tank where I 15 work, not by a university press, so it did not go 16 out for independent, blind peer review. It did 17 undergo peer review by other colleagues in the 18 Institute. It might have gone to some people 19 outside of the Institute, too, which is sometimes 20 the case. So it did get peer review, but it 21 didn't get the level of peer review that you</p>
<p>1 a decade, all cases all totalled, it's over a 2 hundred. I have no idea what the total figure 3 would be. 4 Q. Somewhere between 100 and \$200,000 for 5 serving as an expert witness over the last ten 6 years? 7 A. It's possible. 8 Q. Does that seem like the right 9 ballpark? 10 A. I honestly don't know. 11 Q. How much of that, let's call it over 12 \$100,000, were you paid in connection with being 13 an expert in cases where the PA or the PLO were 14 defendants? 15 A. Some tiny, tiny, tiny fraction. 16 Q. At least \$5,000, right? 17 A. At least \$5,000. 18 Q. You have a series of publications 19 listed in your report which begin on Page 5. Do 20 any of the books that you list on Page 5 relate 21 to the Scope of Engagement in this case?</p>	<p>Page 103</p> <p>1 would get, for example, in my books from 2 Georgetown or at Yale. 3 Q. Who are the colleagues who did the 4 review, as you've described it, of Targeting 5 Terror? 6 A. I don't remember. Our Director of 7 Research is Dr. Patrick Clawson, so he would have 8 coordinated it. 9 Q. Can you recall the name of any 10 reviewers of that book other than Mr. Clawson? 11 A. I can't, and I can't tell you that he 12 was one of the ones who actually -- well, 13 presumably since he was coordinating it, but -- 14 Q. You think Mr. Clawson might have 15 reviewed it? You're not sure? 16 A. He would have coordinated the process, 17 I don't know, and he probably would have read 18 through it, given some review. But he has to do 19 this for everyone on staff, so I imagine he 20 doesn't actually give a firm review to 21 everything. Sometimes he maybe just coordinates</p>

<p>1 it, I don't know.</p> <p>2 Q. So can you tell me today the name of</p> <p>3 any person who reviewed the book Targeting</p> <p>4 Terror?</p> <p>5 A. No.</p> <p>6 Q. You said it might have gone outside of</p> <p>7 the Institute. Do you recollect whether, in</p> <p>8 fact, someone outside of WINEP reviewed it?</p> <p>9 A. I don't.</p> <p>10 MR. HILL: WINEP is W-I-N-E-P.</p> <p>11 Q. You have a series of monographs on</p> <p>12 Page 5 to Page 6. Do any of those monographs</p> <p>13 pertain to the Scope of Engagement in this case?</p> <p>14 A. I don't think so.</p> <p>15 Q. You have a series of chapters on Page</p> <p>16 6 of the report. Do any of those pertain to the</p> <p>17 Scope of Engagement in this case?</p> <p>18 A. I don't remember if it's included in</p> <p>19 the third, The Evolving Threat of International</p> <p>20 Terrorism and Government Response, and not on the</p> <p>21 others here.</p>	<p>Page 106</p> <p>1 the version that was sent to me by the</p> <p>2 Plaintiffs' lawyers in this case. Can you tell</p> <p>3 from looking at it if it's current?</p> <p>4 A. I'm sure there is stuff to be updated.</p> <p>5 I'm sure it's not current in terms of articles,</p> <p>6 testimonies, lectures. It still has me -- oh,</p> <p>7 no, it doesn't. It's fairly current but, you</p> <p>8 know --</p> <p>9 Q. Okay. Let's look at the publications</p> <p>10 which start on Page 3.</p> <p>11 A. Okay.</p> <p>12 Q. I think the books are the same as we</p> <p>13 looked at the report. But just for the record:</p> <p>14 Do any of those books, other than the ones you've</p> <p>15 previously described, relate to the Scope of</p> <p>16 Engagement in this case?</p> <p>17 A. No, it's the same list.</p> <p>18 Q. There's a series of monographs</p> <p>19 beginning on Page 4. Do any of those monographs,</p> <p>20 other than the one you've previously mentioned,</p> <p>21 pertain to the Scope of Engagement in this case?</p>
<p>1 Q. You, beginning on Page 7, have a</p> <p>2 series of journal articles listed in your report,</p> <p>3 which carries over to Page 8. Do any of those</p> <p>4 journal articles pertain to the Scope of</p> <p>5 Engagement in this case?</p> <p>6 (Witness Reviews Document.)</p> <p>7 MR. HILL: Mark that next.</p> <p>8 (Defendant's Deposition Exhibit Number</p> <p>9 183 was marked for identification.)</p> <p>10 A. So on Page 8 -- again we'd have to</p> <p>11 check. Some of these are quite old and broad</p> <p>12 titles.</p> <p>13 Untangling the Terror Web, may have.</p> <p>14 The Politics of Terrorist Financing in</p> <p>15 the Middle East, may have.</p> <p>16 I don't think the others do.</p> <p>17 Q. Dr. Levitt, let me hand you what we've</p> <p>18 marked as Deposition Exhibit Number 183. Do you</p> <p>19 recognize this?</p> <p>20 A. This is a version of my CV.</p> <p>21 Q. I will represent to you that this is</p>	<p>Page 107</p> <p>1 A. No, it looks like it's the same list.</p> <p>2 Q. And, again for the record: The</p> <p>3 chapters that begin on Page 5, do any of those</p> <p>4 chapters, other than the ones you've previously</p> <p>5 mentioned, relate to the Scope of Engagement in</p> <p>6 this case?</p> <p>7 (Witness Reviews Document.)</p> <p>8 A. It's possible that fourth from the</p> <p>9 bottom, Iran and Syria; State Sponsorship in the</p> <p>10 Age of Terror Networks, that may include some</p> <p>11 relevance.</p> <p>12 Q. Okay. Anything else on chapters?</p> <p>13 A. No.</p> <p>14 Q. On Page 6, there's a series of what's</p> <p>15 described as Testimony/Lectures. Do any of the</p> <p>16 items listed there, which continue for several</p> <p>17 pages, pertain to the Scope of Engagement in this</p> <p>18 case?</p> <p>19 A. So on Page 7, second from the bottom,</p> <p>20 the testimony on "The Fatah-Hamas</p> <p>21 Reconciliation," that may have.</p>

<p style="text-align: right;">Page 110</p> <p>1 On Page 9, midway down the page, 2 "Combating the Financing of Transnational 3 Threats," that's a week-long course that I taught 4 there.</p> <p>5 Oh, I forgot about this, if I may: 6 You asked me if I've ever been paid by the ICT or 7 the IDC. They paid me to teach this course.</p> <p>8 Q. Okay. Let's pause there for a second. 9 How much did they pay you?</p> <p>10 A. I don't remember. I think it was like 11 \$1,000 or \$2,000.</p> <p>12 Q. In addition to your expenses?</p> <p>13 A. I'm sure, yeah. I'm sorry, I forgot 14 about that.</p> <p>15 Q. That's okay.</p> <p>16 Are those course materials publicly 17 available any where?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you have a copy of them?</p> <p>20 A. I don't know.</p> <p>21 Q. If you could continue reviewing the</p>	<p style="text-align: right;">Page 112</p> <p>1 The next one I can't remember if this 2 related to Al Aqsa at all, "What Policymakers can 3 Learn from Palestinian Social Media."</p> <p>4 A couple more down, "Disrupting the 5 Flow of Funds to Terrorist Groups and their 6 Supporters: How The Justice Against Sponsors of 7 Terrorism Act Could Help."</p> <p>8 Towards the top, second down on Page 9 13, "Contending with Iran's Proxies." Again, it 10 may have come up there.</p> <p>11 Toward the middle of that page, still 12 on 13, "Contending with Iran's State Sponsorship 13 of Terrorism in the Context of its Nuclear 14 Program."</p> <p>15 A couple more down, "Disrupting 16 Adversary Networks: Combating Terror Finance."</p> <p>17 Again, so that obviously isn't a lecture on the 18 specific areas of the Scope of Engagement, but 19 that series of lectures tends to have a big 20 middle with case studies from across many 21 different groups that I might have included in</p>
<p style="text-align: right;">Page 111</p> <p>1 material under the heading of Testimony/Lectures, 2 and let me know if there's any other items in 3 there that may relate to the Scope of Engagement 4 in this case?</p> <p>5 A. There are several with broad topics. 6 So, for example, at bottom of Page 9, "Missing 7 the Forest for the Trees: A Call for Strategic 8 Counterterrorism Ten Years after 9/11," that may 9 or may not -- that may have had nothing to do 10 with it, might have had some reference to the 11 issues.</p> <p>12 And, again, on the top of Page 10, 13 this lecture, "Terrorism in and from the Middle 14 East," from the Royal Danish Defense College, 15 might not have touched on this at all, but I 16 honestly can't remember. And from the title, 17 it's just impossible to tell.</p> <p>18 On the top of Page 11, there's another 19 one that may or may not. Glocal, 20 G-L-O-C-A-L-I-Z-A-T-I-O-N, "Glocalization of the 21 Global Jihad."</p>	<p style="text-align: right;">Page 113</p> <p>1 one of these.</p> <p>2 In the middle of Page 14, "Dealing 3 with Hamas: Future Pathways for Britain."</p> <p>4 Further down that page, "Reforming 5 U.S. Counter-Terrorism Assistance Programs."</p> <p>6 A couple farther down, "What Next in 7 Gaza?"</p> <p>8 And after that, "Negotiating Under 9 Fire," this looks like it was a book talk when 10 that book came out. But while the book was 11 limited to a period earlier, the questions and 12 answers always come to what's happening now, so 13 that probably came up there.</p> <p>14 Four down on Page 15, "Iran, Hamas and 15 the Palestinians."</p> <p>16 And below that is, again, "Negotiating 17 Under Fire."</p> <p>18 Five down on Page 16. There's an 19 extra word there, but "Israel, the Palestinian 20 Territories, and the Peace Process: Domestic, 21 Regional and International Perspectives."</p>

<p style="text-align: right;">Page 114</p> <p>1 One farther down, "The Future of 2 Palestinian Terrorism."</p> <p>3 At the bottom of that Page 16, "Panel 4 on 'Security in the West Bank' at a conference on 5 'Whither the Palestinians? Politics and Policy 6 at a Time of Crisis'."</p> <p>7 On Page 17 towards the bottom there 8 are a few more, again, book talks related now to 9 the Hamas book, where a few groups might have 10 come up.</p> <p>11 Q. Which ones are those, sir?</p> <p>12 A. So there tend to be a all-entitled, 13 the title of the book, "Hamas: Politics, Charity 14 and Jihad." There's one at Chatham House, five 15 from the bottom.</p> <p>16 And then three from the bottom, the 17 Transatlantic Institute.</p> <p>18 The very bottom of Page 17, "Teaching 19 Terror: How Hamas Radicalizes Palestinian 20 Society," again, clearly focused on Hamas, but 21 this might have come up, as well.</p>	<p style="text-align: right;">Page 116</p> <p>1 relationship between the AAMB and Fatah, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And sitting here today, you cannot 4 recollect if any of the items that you've 5 identified involved a discussion of whether the 6 PA or PLO supported terrorism during the second 7 Intifada, correct?</p> <p>8 A. Correct.</p> <p>9 Q. We'll take a break in just a minute. 10 I just want to make sure that we have a common 11 understanding of what can happen on breaks.</p> <p>12 Dr. Levitt, do you understand that 13 your testimony here today is conducted as if you 14 were at trial? And that that means you may not 15 have conversations about the substance of your 16 testimony with anyone while you're on a break?</p> <p>17 A. Yes.</p> <p>18 Q. And, Dr. Levitt, do you also 19 understand that if you should have a conversation 20 about the substance of your testimony while 21 you're on the break, I may ask you about that?</p>
<p style="text-align: right;">Page 115</p> <p>1 In the middle of Page 18, "Iranian 2 State Sponsorship of Terror: Threatening U.S. 3 Security, Global Stability, and Regional Peace."</p> <p>4 The bottom of Page 18, "Untangling the 5 Terror Web."</p> <p>6 The top of Page 19, the "Panel 7 discussion on 'The Matrix of International 8 terrorism'."</p> <p>9 Two down from that, "Combatting 10 Terrorist Financing: Where the War on Terror 11 Intersects the 'Road Map'."</p> <p>12 And then the last two in that section, 13 "Syrian Sponsorship of Global Terrorism," and 14 then "Charitable and Humanitarian Organizations," 15 those also might have included some of this.</p> <p>16 Q. Okay.</p> <p>17 A. That's the end of this section.</p> <p>18 Q. So as far as the section that we've 19 just discussed, sitting here today, you cannot 20 recollect if any of those items that you've 21 identified, in fact, involved a discussion of the</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Absolutely.</p> <p>2 Q. And do you understand that that covers 3 not only our break now, but our lunch break, and 4 our recess this evening, and applies until we 5 conclude the deposition tomorrow?</p> <p>6 A. Absolutely.</p> <p>7 MR. HILL: Okay. Let's take a short 8 break.</p> <p>9 (Brief Recess.)</p> <p>10 MR. HILL: Mark that one as the next 11 one.</p> <p>12 (Defendant's Deposition Exhibit Number 13 184 was marked for identification.)</p> <p>14 BY MR. HILL:</p> <p>15 Q. Doctor Levitt, did you communicate 16 with anyone about the substance of your testimony 17 over the break?</p> <p>18 A. No.</p> <p>19 Q. Let me show you what we've marked as 20 Defendant's Deposition Exhibit Number 184. This 21 is an article from the USA Today, by Matthew</p>

<p style="text-align: right;">Page 118</p> <p>1 Kalman. And this is cited a number of times in 2 your report; is that correct? 3 A. I'll take your word for it. 4 Q. Have you seen the document before? 5 A. Presumably. I haven't seen it in a 6 long time. 7 Q. Okay. Well, look at, if you will, 8 Page 8 of your report. 9 A. Page 8? 10 Q. I think you want the report, Dr. 11 Levitt. You're on the CV. 12 A. There we go. 13 Q. And you see there after the Roman 14 Numeral IV, there's a quote from someone called 15 Maslama, M-A-S-L-A-M-A, Thabet, T-H-A-B-E-T. Do 16 you see that, sir? 17 A. I do. 18 Q. And your citation in Footnote 3 there 19 is to the exhibit that we've marked that's in 20 front of you, the USA Today article, correct? 21 A. Correct.</p>	<p style="text-align: right;">Page 120</p> <p>1 to Mr. Kalman about this particular article or 2 the people that he quotes in it, right? 3 A. Correct. 4 Q. Do you know if Mr. Thabet was 5 accurately quoted by Mr. Kalman? 6 A. I assume he was because it made it 7 into the print, and there was never a retraction, 8 as far as I know. 9 Q. Do you know if Mr. Thabet speaks 10 English? 11 A. I do not. 12 Q. Do you know if the English that he is 13 quoted as having said, is an accurate translation 14 of what he may have said in a foreign language? 15 A. I would assume it is because it's a 16 reputable outlet, but I don't know that it was in 17 Arabic. 18 Q. Do you know if Mr. Thabet is, in fact, 19 associated with the AAMB? 20 A. That is how he is described here. 21 Q. Apart from how he's described in the</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. And have you ever spoken to 2 Mr. Thabet? 3 A. No. 4 Q. Have you ever spoken to the author of 5 this article, Mr. Kalman? 6 A. I have. 7 Q. You have spoken to Mr. Kalman? 8 A. Yes. 9 Q. Did you speak to him about the subject 10 of this article? 11 A. If I had, it was years ago, not now. 12 I have no recollection, so -- 13 Q. And in what context did you speak to 14 Mr. Kalman? 15 A. He's a reporter. I'm an expert that 16 follows these things. He calls sometimes for 17 quotes or for background information, or I see 18 him at conferences. There's kind of that overlap 19 of Vin diagram of circles. 20 Q. I see. But to the best of your 21 recollection, you cannot remember ever speaking</p>	<p style="text-align: right;">Page 121</p> <p>1 USA Today article, do you have any knowledge of 2 whether he is, in fact, associated with the AAMB? 3 A. I'd have to check. What I mean by 4 that is: In my business, I come across names of 5 lots and lots of different people, and there's 6 just no way to remember everything. 7 If you'd asked me this question around 8 the time when all this was happening, I probably 9 could have answered to you like that (snapping 10 fingers). The same way I have a Hezbollah book 11 that just came out, if you ask me something like 12 that, I can answer it like that (snapping 13 fingers). But now, offhand, I can't tell you 14 from where I would know that. 15 Q. Have you attempted to verify the 16 accuracy of the facts asserted in the quote 17 attributed to Mr. Thabet, in any fashion? 18 A. I'm sorry. Does that mean have I 19 tried to verify the quote, or the facts in the 20 quote? 21 Q. The facts in the quote. We've already</p>

<p style="text-align: right;">Page 122</p> <p>1 established that you haven't done anything to 2 verify the quote, right? You just read it from 3 the article and cited it, right?</p> <p>4 A. Well, yes and no. I read it in the 5 article, I cited it as we discussed earlier. I 6 know the author who's a credible journalist. I 7 have regular conversations with people about 8 these things all the time. I often do check 9 quotes with people, but I can't tell you if I did 10 this one or not.</p> <p>11 Q. Okay.</p> <p>12 A. And this is something that I was 13 spending a lot of time researching here and there 14 on the ground in Israel and the West Bank.</p> <p>15 Q. When were you on the ground in Israel 16 and the West Bank related to this issue?</p> <p>17 A. I'd have to check the dates, but 18 several times.</p> <p>19 Q. Were you there on or around March of 20 2002?</p> <p>21 A. I'm sure I was there 2002. I don't</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. What other scholars have you looked at 2 to determine whether what Mr. Thabet claims is 3 accurate?</p> <p>4 A. I don't know offhand. As I said, I do 5 this work all the time. And this is, we're 6 talking, a decade ago. So who did I talk to a 7 decade ago?</p> <p>8 Q. Are you familiar with an organization 9 called Human Rights Watch?</p> <p>10 A. I am.</p> <p>11 Q. Do you believe it has any expertise in 12 this area?</p> <p>13 A. Human Rights Watch is a very credible 14 human rights organization. So, you know, in this 15 area, they're not -- they don't have terrorism 16 expertise. They're not necessarily in the best 17 position to be able to say whether someone is or 18 isn't a member of a group.</p> <p>19 But on human rights issues, they're a 20 well-known group. I know they've been criticized 21 sometimes for some work they've done, and other</p>
<p style="text-align: right;">Page 123</p> <p>1 know if it was in March. I don't have the dates 2 handy.</p> <p>3 Q. So to return to the original question: 4 Have you done anything to verify the accuracy of 5 the facts asserted in the quote attributed to 6 Mr. Thabet by Mr. Kalman?</p> <p>7 A. Sure. The reason this is put up here 8 as a kind of upfront quote, is because it then is 9 something that is the subject of I don't know how 10 many pages of discussion, 20-something pages of 11 discussion as we follow, so it's not in 12 isolation.</p> <p>13 Q. Have you done anything to determine 14 whether other scholars have analyzed the accuracy 15 of Mr. Thabet's claim?</p> <p>16 A. Have I done anything to --</p> <p>17 MR. HORTON: I'll object to the form.</p> <p>18 You may answer.</p> <p>19 A. So you're not asking about Mr. Thabet 20 at all? You're asking about the claim? Yes, 21 absolutely.</p>	<p style="text-align: right;">Page 125</p> <p>1 times not. But as far as I understand, it's one 2 of the well-known human rights groups.</p> <p>3 Q. Have you ever considered the report 4 that Human Rights Watch prepared, about the 5 accuracy of Mr. Thabet's claim?</p> <p>6 A. I don't know offhand.</p> <p>7 Q. Is that something that you should take 8 into account as an expert in this area?</p> <p>9 A. There's no "should." I'd have to see 10 what it is we're talking about. And odds are 11 that I did see it at the time. Again, I was 12 focused very closely on these issues.</p> <p>13 And just because a human rights group 14 writes something, doesn't mean that it is the 15 holy grail or that the opposite is the holy 16 grail. It would be the type of thing that you'd 17 talk to people about.</p> <p>18 Q. Well, let me show you this and we'll 19 see if you ever remember seeing it before.</p> <p>20 MR. HILL: Let's mark this as our next 21 exhibit.</p>

<p style="text-align: right;">Page 126</p> <p>1 (Defendant's Deposition Exhibit Number 2 185 was marked for identification.) 3 BY MR. HILL: 4 Q. Let me hand you what we've marked as 5 185. Dr. Levitt, if you'll turn to Page 81 of 6 that document. 7 A. I'm sorry, 81? 8 Q. Yes, sir. And if you'll look at the 9 second paragraph on Page 81, it says, "At least 10 one ranking al-Aqsa Brigades cadre has asserted a 11 direct link between the militias and the Fatah 12 leadership." Do you see that, sir? 13 A. Yes. 14 Q. And then there's a quote there from 15 Mr. Thabet, right? 16 A. Correct. 17 Q. And that's the same quote that you 18 have on Page 8 of your report, right? 19 A. The second half. 20 Q. And if you look at the next paragraph 21 it says, "Most observers, and al-Aqsa Brigades</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yeah. 2 Q. So the next sentence says, "According 3 to 'spokesman' Usama an-Najjar: 'The members of 4 the al-Aqsa Martyrs are warriors who are not 5 subject to any political decision and have no 6 relation with the first rank of the PA, although 7 some of its members work in sensitive positions 8 in the PA's civil ministries or its security 9 apparatuses.... The Brigades respect the 10 national interest and choose the place and the 11 time to carry out its operations.' He 12 characterized the Brigades as comprising 13 'hundreds of members, aged between twenty-two and 14 fifty-five, who were released from the Israeli 15 prisons or students in Palestinian universities 16 who operate sometimes with and sometimes without 17 coordination'." Do you see that? 18 A. I see it. 19 Q. Are you familiar with this statement 20 by Mr. an-Najjar? 21 A. I am.</p>
<p style="text-align: right;">Page 127</p> <p>1 participants, disagree with Thabet's 2 characterization." Do you see that? 3 A. I do. 4 Q. Is that information you were aware of 5 at the time you wrote your report? 6 A. Now that I see the report in front of 7 me, I was very aware of this report. It might 8 even be cited elsewhere in my report. It 9 certainly was cited in other work I did. 10 Q. Okay. And you did not put in your 11 report this observation, this statement that most 12 observers disagreed with Thabet's 13 characterization, did you? 14 A. I disagree with the statement. And 15 it's a methodological question, right? How many 16 observers did they interview to be able to say, 17 "Most observers"? What does that even mean, 18 "Most observers"? Methodologically, it's a 19 meaningless statement. 20 Q. You have read this document, right, 21 sir?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. And you did not include this statement 2 of Mr. an-Najjar in your report, did you? 3 A. No, I did not. 4 Q. And, so, you chose to include the 5 statement from Mr. Thabet, but to exclude the 6 statement of Mr. an-Najjar, correct? 7 A. I included the statement from 8 Mr. Thabet, along with a lot of other things that 9 underscores it, and decided not to include the 10 obvious and logical denial when approached by 11 human rights group. It's like saying, "Al 12 Capone, are you a mob boss?" And Al Capone says 13 "No." We're not surprised. 14 So when Usama an-Najjar asks, "Is 15 there a intimate tie between or is there a tie 16 between al-Aqsa Martyrs and Fatah?" recognizing 17 the potential pitfalls therein, unsurprisingly 18 says "No." 19 Q. Okay. Now, you see the footnote for 20 the quote from Mr. an-Najjar is Footnote 218, 21 right?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. And that is referring to something</p> <p>3 published by a group called MEMRI. Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you regard MEMRI as a reliable</p> <p>7 source of information?</p> <p>8 A. They do translations, and they</p> <p>9 translate reliably.</p> <p>10 Q. Okay. And, so, this in fact is not a</p> <p>11 statement Mr. an-Najjar made to Human Rights</p> <p>12 Watch? This is a statement he made to MEMRI,</p> <p>13 correct?</p> <p>14 A. Right. And I don't have in front of</p> <p>15 me the MEMRI document. I don't know what the</p> <p>16 context of that is. But whoever it is, and Human</p> <p>17 Rights Watch is choosing to include it here,</p> <p>18 whether it's to a human rights group or to some</p> <p>19 other public audience, it shouldn't surprise when</p> <p>20 a group that is accused of being engaged in let's</p> <p>21 call it illicit activities, is asked "Are you</p>	<p style="text-align: right;">Page 132</p> <p>1 Brigade is any five or six guys who call</p> <p>2 themselves that,' one PFLP member told Human</p> <p>3 Rights Watch in Jenin." Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Were you aware of that quote at the</p> <p>6 time you wrote the report?</p> <p>7 A. Yes.</p> <p>8 Q. And you did not include that quote in</p> <p>9 your report; is that correct?</p> <p>10 A. I don't think so, no.</p> <p>11 Q. And did you again exclude that quote</p> <p>12 because you believed that PFLP member was being</p> <p>13 untruthful?</p> <p>14 A. Or it was just wrong. I don't know if</p> <p>15 he was being untruthful, or was stating what he</p> <p>16 believed to be true.</p> <p>17 Q. Okay.</p> <p>18 A. It's also the case that Al Aqsa</p> <p>19 Martyrs Brigades developed over time and</p> <p>20 developed over time at a different pace in</p> <p>21 different cities. And, so, you could have had</p>
<p style="text-align: right;">Page 131</p> <p>1 engaged in illicit activities?" it should never</p> <p>2 surprise when they say "No."</p> <p>3 Q. Okay. So your position, sir, is that</p> <p>4 you did not include Mr. an-Najjar's statement</p> <p>5 because you believe it to be untrue?</p> <p>6 A. Not because I don't like him. But</p> <p>7 Because the weight of the evidence, as we go on</p> <p>8 in the rest of the 20 pages of the report, is</p> <p>9 very much weighted in opposition to his claim.</p> <p>10 Q. Okay. So you have determined that</p> <p>11 Mr. Thabet's statement is true in your opinion,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you've determined that</p> <p>15 Mr. an-Najjar's statement is incorrect in your</p> <p>16 opinion?</p> <p>17 A. Correct.</p> <p>18 Q. The next paragraph at the bottom of</p> <p>19 Page 81 says, "Members of other armed groups</p> <p>20 agreed that the al-Aqsa Martyrs' Brigades are not</p> <p>21 a highly structured group. 'Around here an Aqsa</p>	<p style="text-align: right;">Page 133</p> <p>1 individual Al Aqsa Martyrs' cells that were more</p> <p>2 a bunch of guys, and others that were much more</p> <p>3 highly structured.</p> <p>4 In fact, we get into the report, at</p> <p>5 one point these bunch of guys start coalescing</p> <p>6 and that's when they start reaching out to the</p> <p>7 Palestinian authority and Fatah, for funding and</p> <p>8 support.</p> <p>9 Q. Okay. But it is correct to say that</p> <p>10 you did not include the quote from the PFLP</p> <p>11 member quoted here because you believed it was</p> <p>12 incorrect, right?</p> <p>13 A. Correct.</p> <p>14 Q. The next sentence says, "According to</p> <p>15 one high-level Western diplomat involved in</p> <p>16 security liaison between Israeli and Palestinian</p> <p>17 services, 'there is no [al-Aqsa Brigades]</p> <p>18 infrastructure, just small groups making their</p> <p>19 own small decisions'." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And were you aware of that quote from</p>

<p style="text-align: right;">Page 134</p> <p>1 the high-level Western diplomat at the time you 2 wrote your report?</p> <p>3 A. I was aware of this report, so, 4 presumably.</p> <p>5 Q. And you did not include that quote 6 from the high-level Western diplomat in your 7 report, correct?</p> <p>8 A. The unnamed, high-level diplomat, 9 correct.</p> <p>10 Q. And you did that because you believe 11 that high-level Western diplomat to be 12 incorrect?</p> <p>13 A. Again, I don't know who this Western 14 diplomat is. I don't know if he is high-level.</p> <p>15 This was a Human Rights Watch 16 interview, name withheld. It's very difficult to 17 assess how much weight to give to this interview, 18 at all.</p> <p>19 I don't know if the person's lying. I 20 don't know if the person's saying what they 21 believe to be true, but it isn't true. I don't</p>	<p style="text-align: right;">Page 136</p> <p>1 Again, at the time, I was doing a 2 tremendous amount of focused research on these 3 issues. And the interviews that I was doing, 4 which, to be honest, if I were to have cited them 5 in a report like this, probably also would have 6 had to have been anonymous.</p> <p>7 The officials talk to you often, and 8 on background. But you use it as, you know, to 9 build your world view of this situation. The 10 consensus was quite the opposite.</p> <p>11 Q. And you cannot tell me the name of 12 anyone who shared this consensus with you, right?</p> <p>13 A. We've had this conversation already.</p> <p>14 Q. The answer is: You cannot tell me the 15 name of any person who told you what --</p> <p>16 A. The answer is I cannot --</p> <p>17 Q. -- you're representing is a consensus, 18 right?</p> <p>19 MR. HORTON: Make sure he gets his 20 question out before you answer. It makes it very 21 hard for her.</p>
<p style="text-align: right;">Page 135</p> <p>1 know if they're still high-level. I don't know 2 if they're in a position to know or not know. 3 It's an anonymous source.</p> <p>4 Q. And you believe it would be 5 inappropriate to rely on an anonymous source?</p> <p>6 A. I believe that anonymous sources can 7 play a role, never in isolation. And I think 8 it's very important to try and give your reader 9 as much information as you can.</p> <p>10 There is a place for anonymous sources 11 in all this. I even get into a description of 12 that in the Introduction of one of my peer 13 reviewed books.</p> <p>14 But it is the case that it does make 15 it much more difficult to assess the veracity, 16 certainly in isolation.</p> <p>17 Q. So one of the reasons that you 18 question the veracity of the Western diplomat 19 who's quoted here is because their name is 20 withheld?</p> <p>21 A. It's only one piece of it.</p>	<p style="text-align: right;">Page 137</p> <p>1 THE WITNESS: My apologies.</p> <p>2 A. I cannot remember the name of anybody 3 I met with a decade ago on these issues.</p> <p>4 Q. You also cite this same article again 5 on Page 11, as the source for a quote from 6 someone, and this is at Page 11, the first full 7 paragraph you quote someone who you describe as 8 "Arafat's foreign media spokesman, Mohammed 9 Odwan," O-D-W-A-N. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And you've never spoken to Mr. Odwan, 12 right?</p> <p>13 A. Correct.</p> <p>14 Q. And do you know if Mr. Kalman 15 accurately described him in the article as 16 Arafat's foreign media spokesman?</p> <p>17 A. I don't know. Again, at the time, I 18 was fairly focused on these issues, and was much 19 more familiar with the names than I am today, so 20 probably was in a position then to be able to 21 tell you more definitively, you know, what his</p>

<p>1 position is, or was. But not right now.</p> <p>2 Q. Have you ever heard of Mr. Odwan</p> <p>3 outside of this article?</p> <p>4 A. Again, probably. I'm not focused on</p> <p>5 this issue now. I don't have this on my finger</p> <p>6 tips. But I was a decade ago, and probably would</p> <p>7 have been familiar with him.</p> <p>8 Q. Did you do anything to verify whether</p> <p>9 Mr. Odwan he was, in fact, Arafat's foreign media</p> <p>10 spokesman before you quoted him in your report?</p> <p>11 A. I don't recall.</p> <p>12 Q. Would you agree with me that you took</p> <p>13 the title from Mr. Kalman's article?</p> <p>14 A. That sounds right.</p> <p>15 Q. Are you aware that Mr. Odwan was</p> <p>16 deposed in the Klineman case?</p> <p>17 A. No.</p> <p>18 Q. I take it, then, that the lawyers did</p> <p>19 not provide you a copy of Mr. Odwan's testimony</p> <p>20 in the Klineman case?</p> <p>21 A. Either they did not. Or they did and</p>	<p>Page 138</p> <p>1 lower-level functionary alone, no.</p> <p>2 Q. Would the fact that he testified that</p> <p>3 he was not authorized to make press statements</p> <p>4 affect your reliance on his quotation?</p> <p>5 A. That alone, no. Again, you'd want</p> <p>6 them to follow up, right?</p> <p>7 Q. Did you do anything to follow up on</p> <p>8 the accuracy of his quote?</p> <p>9 A. On the accuracy of his quote, or the</p> <p>10 quotes that you're now telling me about that I</p> <p>11 hadn't heard about before?</p> <p>12 Q. On the accuracy of the quote that</p> <p>13 you're relying on, sir, did you do anything to</p> <p>14 follow up on the accuracy of that quote?</p> <p>15 A. I don't recall. As I told you</p> <p>16 earlier, I often will, and not every single time.</p> <p>17 Matthew Kalman is a respected reporter</p> <p>18 who has a good track record.</p> <p>19 Q. Does the fact that Mr. Kalman</p> <p>20 apparently inaccurately described Mr. Odwan's</p> <p>21 title, in this instance, affect your relying on</p>
<p>Page 139</p> <p>1 I have completely forgotten. But I don't think</p> <p>2 so.</p> <p>3 Q. Then, would it affect your opinion at</p> <p>4 all to learn that Mr. Odwan testified that his</p> <p>5 job was actually press coordinator?</p> <p>6 A. No.</p> <p>7 Q. Would it affect your opinion to learn</p> <p>8 that Mr. Odwan testified that his job was like</p> <p>9 being a bell hop and escorting reporters around?</p> <p>10 A. This was his testimony?</p> <p>11 Q. Yes, sir.</p> <p>12 A. It wouldn't surprise me. You know,</p> <p>13 translating foreign media spokesman, press,</p> <p>14 whatever he said it was, escorting people around,</p> <p>15 you know, it wouldn't surprise me that he would</p> <p>16 play down his role, and that it would have</p> <p>17 slightly different translations in the English.</p> <p>18 It wouldn't surprise me at all.</p> <p>19 Q. Would it affect your reliance on the</p> <p>20 accuracy of his quote?</p> <p>21 A. His insistence that he was a</p>	<p>Page 141</p> <p>1 Mr. Kalman's statements?</p> <p>2 MR. HORTON: Object to the form.</p> <p>3 THE WITNESS: I do, too.</p> <p>4 A. You're assuming that he got the title</p> <p>5 wrong because you're choosing to believe what</p> <p>6 Mr. Odwan told in this other case. Perhaps</p> <p>7 Mr. Odwan has an interest in playing down his</p> <p>8 role in all of this. I don't know, but I don't</p> <p>9 think you do, either.</p> <p>10 Q. So you're saying, sir, that you would</p> <p>11 rely on Mr. Kalman over Mr. Odwan because you</p> <p>12 don't believe Mr. Odwan was telling the truth at</p> <p>13 his deposition?</p> <p>14 A. I don't believe or not believe</p> <p>15 Mr. Odwan or Mr. Kalman. But you just told me</p> <p>16 that one was right and the other was wrong. I'm</p> <p>17 telling you --</p> <p>18 Q. Well, let's do it as a hypothetical.</p> <p>19 Let's do it this way:</p> <p>20 Assume that Mr. Odwan's title, in</p> <p>21 fact, was press secretary, not foreign media</p>

<p>1 spokesman. Assume that to be true. 2 A. Okay. 3 Q. If that's true, does that affect your 4 view about whether Mr. Kalman is a reliable 5 source of information? 6 A. No. 7 MR. HORTON: Object to the form. 8 A. No. Between press secretary and 9 foreign media spokesman, there's a very fine 10 line. 11 Q. Assume that Mr. Odwan testified he 12 never said what Mr. Kalman quoted him as saying, 13 does that affect your reliance on Mr. Kalman's 14 article? 15 A. In isolation, no. 16 Again, should it surprise that someone 17 who is presented with a statement that they made, 18 which is -- seems to be kind of catching them in 19 something, somehow indicting them in something, 20 that they would deny it? No, it wouldn't 21 surprise me at all.</p>	<p>Page 142</p> <p>1 A. Can I name a statement that's 2 inconsistent with my conclusions that I believe 3 to be true? Why would I come to conclusions that 4 are contrary to something that I believe to be 5 true? 6 Q. So you cannot? 7 A. No. 8 Q. There are no true inconsistent 9 statements with your opinions? 10 A. If I knew something to be true and to 11 be inconsistent with my opinion, I would adjust 12 my opinion. 13 Q. So on any occasion where you've 14 omitted a statement that's inconsistent with your 15 opinion, you've done so because you believe that 16 to be untrue? 17 A. If I was aware of the opinion, I 18 believed -- I don't know. You know, we're 19 dealing here a little bit with just that, 20 opinion. 21 Again, it could be untrue in the sense</p>
<p>Page 143</p> <p>1 Q. Do you believe every statement someone 2 has made, that's inconsistent with your 3 conclusions, is untrue? 4 A. I didn't say that I disagree because 5 it's inconsistent with my conclusions, but -- 6 Q. Can you name a statement by anyone 7 that's inconsistent with your conclusions that 8 you think is untrue? 9 MR. HORTON: Hold it, hold it, hold 10 it. My question is: Had you finished your 11 answer? 12 THE WITNESS: No. 13 MR. HORTON: He needs to be able to 14 finish his answer, then you're, of course, 15 welcome to ask a followup. 16 BY MR. HORTON: 17 Q. Go ahead. 18 A. It's your time. 19 Q. Can you name me any statement that's 20 inconsistent with your conclusions that you 21 believe to be true?</p>	<p>Page 145</p> <p>1 that they said something untrue. Or it could be 2 untrue in the sense that they said something to 3 be completely true but, in fact, are wrong. 4 My responsibility as an outside 5 academic is to look at the full body of 6 information, and not based on one quote here or 7 one title there, to come to a conclusion on based 8 on the body of information. 9 Based on the body of information 10 that's out there, the statements that you're 11 presenting to me from Mr. Odwan, that I have not 12 yet seen, don't appear to be accurate. 13 Q. Look, if you will, back at the USA 14 Today article because there is a quote in the 15 article, itself, that's inconsistent with your 16 opinion. At the bottom of the page, it says -- 17 A. Which page? 18 Q. The first page. It says, "Spokesman 19 for Arafat give differing responses when asked 20 about his ties to Thabet and the brigade. Nabil 21 Abu Rudeineh, Arafat's chief spokesman says he</p>

<p style="text-align: right;">Page 146</p> <p>1 has never heard of Thabet. 'The president has 2 nothing to do with these things, he has nothing 3 to say about this issue,' Rudeineh says." Do you 4 see that, sir?</p> <p>5 A. Yes.</p> <p>6 Q. And you were, of course, aware of that 7 quote since you've cited this very article, 8 right?</p> <p>9 A. Yes.</p> <p>10 Q. You did not include Mr. Rudeineh's 11 quote in your opinion, right?</p> <p>12 A. Rudeineh. No, I did not include 13 Rudeineh's quote in here. He is -- was very, 14 very close to Arafat, and would not surprise that 15 he would say things to defend his boss, put his 16 boss in a good light.</p> <p>17 Again, this is not a story in 18 isolation of he-said/she-said. That would make 19 for a very boring report. It has to be the 20 totality of the evidence. So a quote here, a 21 quote there, frankly, is kind of icing on the</p>	<p style="text-align: right;">Page 148</p> <p>1 Arafat's chief spokesman?</p> <p>2 A. I believe he had multiple titles at 3 different times. And it's one of these things as 4 we just had, you know, he could have been quoted 5 here today in this title, and another one 6 tomorrow in another place. But he was certainly 7 one of Arafat's chief functionaries.</p> <p>8 Q. Assume that Mr. Odwan, whose quote you 9 did rely on, testified that the person authorized 10 to make statements on behalf of President Arafat, 11 was Mr. Rudeineh. Does that affect your opinion 12 about relying on Odwan's quote instead of his 13 boss's?</p> <p>14 MR. HORTON: Object to the form.</p> <p>15 A. So, in the first instance, that 16 doesn't necessarily make him his boss, "A."</p> <p>17 But "B," not at all. The senior 18 functionary is going to be, if he's good at his 19 job, very good at sticking to the script. And 20 someone else might be a little more loose with 21 the tongue and say something beyond the script.</p>
<p style="text-align: right;">Page 147</p> <p>1 cake.</p> <p>2 What does the actually evidence say? 3 What do the seized reports say? And then you 4 build the scaffolding of what you can then base 5 your conclusions on.</p> <p>6 But should it surprise anybody? In 7 this case it happened to be Arafat. It could 8 have been anybody. It could have been the 9 Israeli Prime Minister. Could have been anybody 10 that they're -- what is he described as here -- 11 his chief spokesman is going to deny something 12 that puts him in a bad light? No.</p> <p>13 Q. So, again, you excluded Mr. Rudeineh's 14 quote because you believe it to be untrue?</p> <p>15 A. I believed it to be inaccurate, and 16 there's a difference.</p> <p>17 Q. Have you heard of Mr. Rudeineh before?</p> <p>18 A. Rudeineh. Yes.</p> <p>19 Q. Before this report?</p> <p>20 A. Yes.</p> <p>21 Q. Do you agree that he is or was</p>	<p style="text-align: right;">Page 149</p> <p>1 Again, I know you're very interested 2 in the quotes, but it's not just a question of 3 this quote or that quote. You can play 4 he-said/she-said on these things all day. That's 5 the nature of this business. Someone's doing 6 things that are legitimate and they also may be 7 doing things under the table that are 8 illegitimate. And we're not surprised when they 9 deny the illegitimate.</p> <p>10 Now, just because someone's charged as 11 doing illegitimate, it doesn't mean that that's 12 true, either. You need to dig. You need to 13 collect evidence. And, so, that's what I did in 14 the report.</p> <p>15 Q. Well, the evidence you collected is 16 all on one side, isn't it, sir?</p> <p>17 A. The evidence I've collected here, you 18 know, this is supposed to be an expert report of 19 my opinion. And, so, yes, it is an expert report 20 that provides the basis for what is the 21 conclusion of my opinion. This is not meant to</p>

<p style="text-align: right;">Page 150</p> <p>1 be. I wasn't hired to provide a dissertation on 2 all sides of this issue. 3 Now, there are other things that I've 4 written where you would do exactly such a thing. 5 My dissertation and the book that came out of it, 6 for example, which goes, "The Israelis say this; 7 the Palestinians say that," and that's important 8 for that type of product. 9 For this type of a product, this is by 10 definition what is my opinion. Now, the lawyers 11 who came to me, they didn't say, "Hey, could you 12 have this opinion?" And I didn't then say, 13 "Sure. How much are you paying?" 14 I have an opinion on this based on my 15 research and the evidence I've collected. This 16 is what it is. 17 Q. So this report does not follow this 18 sort of methodology you used in your 19 dissertation, correct? 20 A. No, I didn't say that. 21 There is methodology and there is</p>	<p style="text-align: right;">Page 152</p> <p>1 evidence that you considered and rejected in 2 reaching your conclusions, right? 3 A. Correct. 4 Q. And can you tell me any of the 5 evidence that you considered but then rejected in 6 reaching your conclusions? 7 A. No, because we're sitting here today, 8 and I didn't write this yesterday. 9 Q. Okay. So when you prepared the 10 report, you only selected the evidence that 11 supported your conclusions? 12 A. Well, I did not -- 13 MR. HORTON: Object to the form. 14 You may answer. 15 A. I did not select anything. 16 I looked at all the evidence that I 17 could get my hands on, and then I wrote a report 18 that provided my expert opinion, which is what 19 this is, it's an expert opinion, and the evidence 20 that underpins it. 21 Q. Now, you said you looked at all the</p>
<p style="text-align: right;">Page 151</p> <p>1 presentation. A methodology really is how you go 2 about researching something. That doesn't 3 change. 4 What type of a product you're 5 producing, dictates what you're doing. You'll be 6 more pithy in an editorial, and you'll be more 7 serious in a journal article. You'll provide 8 every side of an argument and maybe even not come 9 to a conclusion in a certain type of product. 10 And probably in more you'll include all sides and 11 come to a conclusion. And in others, like this 12 one, the specific product that is being asked is, 13 "Can you provide an opinion and the basis for 14 that opinion?" This is not a "They say. On the 15 other hand, they say. On the other hand, they 16 say." 17 Q. So you'd agree with me your report 18 does not do the on-the-other-hand-type analysis, 19 right? 20 A. Correct. 21 Q. It does not, in fact, document</p>	<p style="text-align: right;">Page 153</p> <p>1 evidence you could get your hands on. If I 2 wanted to see all the evidence you got your hands 3 on, how could I see that? 4 A. I doubt you could. I don't know that 5 I've kept it. 6 Q. You didn't preserve the material that 7 you reviewed that's not cited in your report? 8 A. I may not have preserved hard copies 9 of material that I did cite in the report since 10 it's all publicly-available material. 11 Q. Well, how will I know what 12 publicly-available material you considered, but 13 did not cite in your report, sir? 14 A. You won't. That's not what this is. 15 Q. There's no way for me to discover the 16 material you considered but, then, did not rely 17 on for your report? 18 A. That's true. 19 Q. On Page 10 of your report in the 20 second paragraph you referred to -- 21 A. One second. I'm sorry.</p>

<p>1 MR. HORTON: Hold on a second. 2 Q. You refer to something that you 3 describe as a 2005 confession of Tamer, 4 T-A-M-E-R, Rimawi, R-I-M-A-W-I. Do you see that, 5 sir? 6 A. The paragraph beginning, "Convicted 7 terrorists"? 8 Q. Yes, sir. 9 A. Yes. 10 Q. And have you, in fact, seen this 11 confession? 12 A. Yes. 13 Q. What language is it written in? 14 A. I believe it's written in Arabic and 15 English. 16 Q. Do you know if Mr. Rimawi speaks or 17 writes English? 18 A. I don't. I believe it is a certified 19 translation. 20 MR. HILL: Let's mark that as our next 21 exhibit, please.</p>	<p>Page 154</p> <p>1 whether the English is, in fact, an accurate 2 translation of the Arabic, right? 3 A. No. 4 Q. If you look at the very last page of 5 the Arabic -- 6 A. The very last page overall? 7 Q. Yes, sir. You see that there's a spot 8 for a signature? 9 A. Yeah. 10 Q. And there's no signature. Do you see 11 that? 12 A. Yes. 13 Q. Does it concern you at all that you're 14 relying on what purports to be a confession that 15 has no signature? 16 A. No, because I don't know if there is 17 no signature on it. I don't know is the Israeli 18 system people are allowed to decline to sign, the 19 system. But it is an official government report, 20 and I give that more credence than I would, you 21 know, if some journalist told me.</p>
<p>Page 155</p> <p>1 (Defendant's Deposition Exhibit Number 2 186 was marked for identification.) 3 BY MR. HILL: 4 Q. Dr. Levitt, I'm showing you what we've 5 marked as Defendant's Exhibit Number 186. Is 6 this the confession that is cited in Footnote 17 7 of your report? 8 A. I believe so. 9 Q. As you indicated, there is a 10 Certificate of Translation at the beginning. Do 11 you see that? 12 A. Yes. 13 Q. And do you know the translator? 14 A. I do not. 15 Q. Do you have any idea if this person 16 is, in fact, qualified to accurately translate 17 between Arabic and English? 18 A. This is an official notary, so I have 19 respect for the notary system, and I take it as 20 face value. 21 Q. But you've not done anything to verify</p>	<p>Page 157</p> <p>1 Q. Let me just ask you this question: 2 You believe that this confession is an 3 official government report? 4 A. That's what it appears to be. It 5 appears to be taken by the State of Israel, a 6 public document signed by the Magistrate Court, 7 certified by the Magistrate Court. We have the 8 names of the people who did it. There's, you 9 know, for a person who was doing a story on this, 10 whatever, they could go back and find the people. 11 So this is -- it's much more official, of course, 12 than just, you know, a journalist saying, "I got 13 a quote from somebody and I've got the chicken 14 squall on my notebook." 15 Q. So you actually think this is a more 16 reliable document than Mr. Kalman's report? 17 A. Yes. 18 Q. Okay. Did you do anything to fact 19 check whether, in fact, this was an official 20 Israeli document? 21 A. In a sense, yes. I got it through</p>

<p style="text-align: right;">Page 158</p> <p>1 lawyers in another case and asked them and got -- 2 I don't remember the details, but they explained 3 to me how they had gotten it, and the chain of 4 custody, and this wasn't something that, you 5 know, was picked up from the street litter.</p> <p>6 Q. What were you told about the chain of 7 custody of this document?</p> <p>8 A. I just said I don't remember. I just 9 remember that it was given to me and --</p> <p>10 Q. Do you remember what case you were 11 given this document?</p> <p>12 A. No. It might have been -- it might 13 have been Klineman again. I don't remember 14 offhand.</p> <p>15 Q. Do you remember which lawyer in the 16 Klineman case gave you this document?</p> <p>17 A. No.</p> <p>18 Q. And you believe this is an Israeli 19 document? Do Israeli documents usually come in 20 Arabic?</p> <p>21 A. It depends. This is a -- they will</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Depends what it turned out it was. 2 Q. Would it change your opinion about the 3 reliability of this document if you learned it 4 had been prepared by the lawyers in the Klineman 5 case representing the plaintiffs?</p> <p>6 A. Again, depends how it was prepared. 7 Lawyers take an oath. You know, this seems to be 8 part of an official process, which probably not 9 unlike the one we're doing now, we're just 10 sitting across the table from each other in some 11 type of deposition, and that has officiated them 12 to that.</p> <p>13 Q. Are you aware that Mr. Rimawi was 14 deposed about this document?</p> <p>15 A. I'm presuming, because you're telling 16 me that this was taken by lawyers, that this was 17 some type of deposition. I'm assuming he didn't, 18 you know, volunteer. I don't know what the 19 circumstance was, or I don't recall. I probably 20 was told at some point. But there's no question 21 that this is an official translation by a</p>
<p style="text-align: right;">Page 159</p> <p>1 often come in Arabic and Hebrew.</p> <p>2 Q. You agree with me there's no Hebrew in 3 this document, right?</p> <p>4 A. Correct. And this appears, except on 5 the first page, with the Certification of 6 Translation is in English and in Hebrew. And 7 then in both the second page, whatever this is, 8 Apostille, and it's stamped, official document as 9 being certified by the Magistrates' Court in 10 Tel-Aviv-Yafo, is in both English and Hebrew. 11 And then presumably the copy that was given to me 12 was the Arabic, which is the original, and the 13 English translation, as opposed to the Hebrew 14 translation, which wouldn't do any good for these 15 purposes.</p> <p>16 Q. Okay.</p> <p>17 A. My guess is that somewhere out there, 18 there is also a Hebrew translation.</p> <p>19 Q. Would it change your opinion about the 20 reliability of this document if you learned that 21 it is not, in fact, an Israeli State document?</p>	<p style="text-align: right;">Page 161</p> <p>1 qualified translator, and it is certified by a 2 recognized court.</p> <p>3 Q. Okay. If, in fact, the document that 4 is Arabic was not prepared by Mr. Rimawi, would 5 that cause you to change your reliance on this 6 document?</p> <p>7 A. You know, the document's being 8 prepared, based on our conversation, not being 9 prepared by me either, but we have a court 10 reporter here. So I guess it would depend on how 11 it was prepared.</p> <p>12 Q. Okay. Assume, sir, that this document 13 was, in fact, prepared by Ms. Klineman's lawyers 14 and presented to Mr. Rimawi, would that change 15 your opinion about the accuracy of the document?</p> <p>16 A. So in your hypothetical, they wrote 17 out this confession, presented it to him?</p> <p>18 Q. Presented it to Mr. Rimawi, yes. 19 Would that change your --</p> <p>20 A. He refuses to sign it?</p> <p>21 Q. Well, we haven't got there yet.</p>

<p style="text-align: right;">Page 162</p> <p>1 But just assume that it was written by 2 the lawyers for Ms. Klineman, who presented it to 3 Mr. Rimawi, would that affect your reliance on 4 its accuracy as a document?</p> <p>5 A. I'd be more curious if it was 6 presented to him and he agreed with it. That 7 would give it more weight.</p> <p>8 Q. Okay. Well, let's extend the 9 hypothetical a little bit. Let's assume that it 10 was prepared by the lawyers for Ms. Klineman, 11 that it was presented to Mr. Rimawi, and that he 12 refused to sign it, would that affect your 13 opinion about the reliability of the document?</p> <p>14 A. Well, does he refuse to sign it 15 period? Does he refuse to sign it after, let's 16 say, an hour- or seven-hour-long deposition in 17 which he ultimately agrees to everything in the 18 document but then says, "Oops, that was not a 19 good idea," and refuses to sign it?</p> <p>20 And under what circumstances is this 21 certified by the court if it is simply one</p>	<p>1 was provided to Mr. Rimawi, he refused to sign 2 it, he testified contrary to its contents, would 3 that affect your opinion in the case?</p> <p>4 A. I'd want to know more. Who is at this 5 let's call it, for lack of better words, let's 6 call it a deposition. Who was at this 7 deposition? Were there witnesses? Did he at the 8 deposition agree to it and only then later refuse 9 to sign it?</p> <p>10 It wouldn't surprise me at all if he 11 had agreed to it and then later recanted. I 12 mean, he would have gotten himself in some 13 trouble, I imagine.</p> <p>14 So what are the exact circumstances?</p> <p>15 Q. Are these the sorts of questions you 16 should have asked before you cited this document 17 in your report?</p> <p>18 A. Again, I don't remember the 19 conversation, but I was comfortable with the 20 document when I got it, as it was given to me.</p> <p>21 Q. And you were comfortable with the</p>
<p style="text-align: right;">Page 163</p> <p>1 lawyer's opinion that was presented in front of 2 the guy, but the guy never agreed to it at all? 3 I would be surprised if that were the case.</p> <p>4 Q. Okay. Well, assume that is the case. 5 Assume this is one lawyer's opinion that was 6 presented to the guy and the guy never agreed to 7 it at all, would you believe this would be a 8 reliable document on which to base your opinions?</p> <p>9 A. So in your hypothetical, a lawyer for 10 the other side writes this document. Rimawi 11 looks at it, doesn't agree to it, never says 12 anything to agree with any part of it, and then 13 they present it as if it was his confession. 14 Yes, I would have an issue with that document.</p> <p>15 Q. Okay. And if that had happened to you 16 in this case, how would that change your 17 opinions?</p> <p>18 A. Specifics, please? If what had 19 happened to me?</p> <p>20 Q. What you've just described. If this 21 was written by the lawyers for Ms. Klineman, it</p>	<p>1 document because of what the lawyers in the 2 Klineman case told you about it?</p> <p>3 A. Correct.</p> <p>4 Q. And if they misled you about the 5 nature of the document, would that affect your 6 opinions in the case?</p> <p>7 A. If I was fully misled, it would affect 8 my opinions about this particular document. This 9 is one document in -- I'm assuming you're talking 10 about this case, not that case, correct?</p> <p>11 Q. Uh-huh.</p> <p>12 A. This is one piece in a much larger sea 13 of information. So maybe this particular piece 14 would not be something I would have included, but 15 it wouldn't have affected the other material, 16 necessarily.</p> <p>17 Q. Well, setting aside the other material 18 for a moment, do you, in fact, believe the facts 19 that are asserted in this document to be true?</p> <p>20 A. I do.</p> <p>21 Q. And that's because the lawyers in the</p>

<p>1 Klineman case told you how this document came 2 into existence?</p> <p>3 A. Well, so we're moving beyond the 4 document itself right now, correct? He is a 5 convicted terrorist. He did have a day in court. 6 He was convicted. Whether or not there was an 7 actual --</p> <p>8 Q. How do you know he was convicted?</p> <p>9 A. This is a matter of public record.</p> <p>10 Q. Have you verified this public record?</p> <p>11 A. I believe I did.</p> <p>12 Q. How did you do that?</p> <p>13 A. I imagine can -- I don't remember what 14 I did at the time, but I imagine you can go and 15 Google and find it out.</p> <p>16 Q. Did you Google Mr. Rimawi and find out 17 whether he was convicted?</p> <p>18 A. I don't remember what I did at the 19 time.</p> <p>20 Q. Do you know what court he was 21 convicted in?</p>	<p>Page 166</p> <p>1 MR. HORTON: Hold it. Let him finish 2 his answers, please.</p> <p>3 MR. HILL: Sure. You wanted to finish 4 your answer?</p> <p>5 MR. HORTON: Do you need the question 6 back to finish your answer?</p> <p>7 THE WITNESS: No, I'm just going to 8 take my time.</p> <p>9 MR. HORTON: Okay.</p> <p>10 THE WITNESS: Go ahead. Ask again.</p> <p>11 BY MR. HILL:</p> <p>12 Q. Who did you talk to about Mr. Rimawi's 13 case?</p> <p>14 A. I don't remember offhand.</p> <p>15 Q. You can't tell me the name of any 16 person you talked to about Mr. Rimawi's case 17 other than the lawyers for Esther Klineman, 18 right?</p> <p>19 A. Correct.</p> <p>20 Q. Would it change your opinion about the 21 reliability of the document if Mr. Rimawi</p>
<p>1 A. Not offhand, no.</p> <p>2 Q. Do you know what crimes he was 3 convicted for?</p> <p>4 A. I believe we have it in the report at 5 some place. But, no, not offhand.</p> <p>6 Q. Do you know whether he had a trial?</p> <p>7 A. I believe he did. I believe, if this 8 is the case I remembering, that he hid in the 9 Mukata, M-U-K-A-T-A, Arafat's compound in 10 Ramallah. Then there was pressure by the 11 Israelis, and I think from the United States, as 12 well, and eventually he was released and taken 13 into custody.</p> <p>14 Q. And you believe those things because 15 you read that on the Internet?</p> <p>16 A. And, as I said, I do field research on 17 the ground, so --</p> <p>18 Q. Did you do field research about Mr. 19 Rimawi?</p> <p>20 A. I probably did. I can't tell you --</p> <p>21 Q. Who did you talk to about Mr. Rimawi?</p>	<p>Page 167</p> <p>1 testified at his deposition that he had never 2 received any money from Fatah?</p> <p>3 A. That would contradict part of what's 4 in this document.</p> <p>5 Q. Yes, sir it would.</p> <p>6 Would it change your opinion about the 7 reliability of Mr. Rimawi's so-called confession 8 if his testimony was that he never received money 9 from Fatah?</p> <p>10 A. Well, his subsequent testimony. 11 It would depend. It would depend. 12 Again, it would not be --</p> <p>13 Q. Is that statement important to your 14 opinion?</p> <p>15 A. It would depend because it depends on 16 the circumstances.</p> <p>17 One should not be surprised if a 18 person says something that is incriminating, 19 later denies saying it.</p> <p>20 But if, in fact, Mr. Rimawi was found 21 guilty of crimes related to activity for Al Aqsa</p>

<p style="text-align: right;">Page 170</p> <p>1 Martyrs Brigades, et cetera, then that would be 2 weightier than his "he-said/she-said; no, no, I 3 didn't mean it when I said this earlier thing. I 4 was convicted maybe, but I didn't actually get 5 the money."</p> <p>6 There's something to be said for a 7 trial in a court of law, and the due process that 8 goes with that.</p> <p>9 Q. Do you believe Mr. Rimawi had a trial 10 in a court of law with due process?</p> <p>11 A. My understanding is that he did.</p> <p>12 Q. And that's based on what you read on 13 the Internet?</p> <p>14 A. You've asked me that question in that 15 weighted, biased way now twice. That's not what 16 I said.</p> <p>17 Q. Okay. So what source, other than the 18 Internet, do you have to believe that Mr. Rimawi 19 received a trial with due process?</p> <p>20 A. My understanding is that there was a 21 court trial. There were reports of it in the</p>	<p style="text-align: right;">Page 172</p> <p>1 was an Al Aqsa Martyrs Brigade, and that would be 2 fanciful and farciful at face value.</p> <p>3 Q. And you know definitively that there 4 was an Al Aqsa Martyrs Brigade because of press 5 reports that you've read, right?</p> <p>6 A. Correct.</p> <p>7 Q. Who has told you that there was an Al 8 Aqsa Martyrs Brigade, apart from press reports?</p> <p>9 A. The State Department of the United 10 States of America.</p> <p>11 Q. Okay.</p> <p>12 A. The Treasury Department of the United 13 States of America.</p> <p>14 Q. That's something you learned while you 15 worked at Treasury?</p> <p>16 A. No. That's something I learned when 17 the Treasury Department designated them as a U.S. 18 designated terrorist organization.</p> <p>19 Something I learned when the State 20 Department wrote them up for their acts of 21 terrorism in the State Department's Annual</p>
<p style="text-align: right;">Page 171</p> <p>1 press. And this was exactly the kind of thing 2 that I was researching at the time, and would 3 have had long conversations with--with people 4 here, with people in Israel, with people in the 5 West Bank.</p> <p>6 Q. Can you give me the name of one person 7 you had a long conversation about Mr. Rimawi's 8 case?</p> <p>9 A. No.</p> <p>10 Q. You cannot, correct?</p> <p>11 A. I just said no.</p> <p>12 Q. Would it change your opinion if 13 Mr. Rimawi testified at his deposition that --</p> <p>14 A. Which deposition?</p> <p>15 Q. Mr. Rimawi's deposition in the 16 Klineman, would it change your opinion about the 17 reliability of this his so-called confession if 18 he testified that there was no such thing as the 19 Al Aqsa Martyrs Brigade?</p> <p>20 A. No, that would not affect my opinion 21 at all because we know definitively that there</p>	<p style="text-align: right;">Page 173</p> <p>1 Country Reports on Terrorism.</p> <p>2 In conversations I had with officials 3 and meetings I had with people.</p> <p>4 There were quite a few trials and 5 convictions of Al Aqsa terrorists. Al Aqsa 6 maintained websites, had letterhead, had emblems, 7 had posters on the streets claiming credit for 8 its so called martyrs.</p> <p>9 There is no one I know that denies 10 that the Al Aqsa Martyrs Brigade existed.</p> <p>11 Q. Did the State Department determine 12 that the Al Aqsa Martyrs Brigade was part of 13 Fatah?</p> <p>14 A. I don't know. Let's take a look and 15 see.</p> <p>16 Q. Well, you would agree with me that the 17 State Department has not designated Fatah as a 18 foreign terrorist organization, correct?</p> <p>19 A. That's true, and it's neither here nor 20 there. Having been a part of that process, I can 21 tell you that we don't designate every entity</p>

<p style="text-align: right;">Page 174</p> <p>1 that is involved, ever, in any act of terrorism. 2 Q. So your experience at the State 3 Department allows you to tell us what the State 4 Department meant by not designating Fatah as an 5 FTO; is that what you're saying? 6 MR. HORTON: Object to the form. 7 A. My experience in government, though 8 not specifically at State. When I was at State, 9 I wasn't doing this type of thing. When I was 10 the Deputy Assistant Secretary for Intelligence 11 and Analysis at Treasury, I was very much 12 involved in this process. 13 Q. But you can't tell me which groups you 14 considered at that time, right? 15 A. Correct. 16 Q. So you can't tell me whether Treasury 17 decided not to designate Fatah as an FTO, and 18 their reasons why, can you? 19 A. That's right. 20 Q. You're just going to claim that you 21 know why State did something, but not tell me the</p>	<p style="text-align: right;">Page 176</p> <p>1 is directly involved in the Peace Process, 2 because the Peace Process is a very obvious U.S. 3 National Security priority, and that might 4 outweigh the potential benefit of putting them on 5 some list. 6 Q. So your opinion is that Fatah and the 7 Al Aqsa Martyrs Brigade are the same thing, but 8 the United States Government treats them 9 differently for political reasons? 10 A. I didn't say that. You could ask me 11 if you like. 12 Q. Is that your opinion? 13 A. Not exactly, no. You could have -- 14 Q. So you're saying -- 15 A. You're going to have to let me answer. 16 Q. So are Al Aqsa Martyrs Brigade and 17 Fatah the same thing, or not? 18 A. So you're asking a different question 19 now before you let me answer the previous one. 20 We're clear? 21 Q. Answer the question, please.</p>
<p style="text-align: right;">Page 175</p> <p>1 underlying facts that that decision was based on, 2 right? 3 A. Incorrect. You're putting words in my 4 mouth again. 5 Q. Tell me the underlying facts that were 6 made available to our State Department that they 7 relied on to decide that the Fatah was not an 8 FTO? 9 MR. HORTON: Object to the form. 10 A. I don't know. 11 All I'm telling you and, therefore, 12 all you're going to be able to quote back to me 13 is that: As a matter of fact, it is not the case 14 that every individual or organization out there 15 involved in terrorism is designated as a 16 terrorist entity on State or Treasury's list. In 17 fact, it's a small fraction because there are 18 lots of policy and other considerations. 19 For example, one could imagine that 20 the State Department would be very uncomfortable 21 designating as a terrorist entity, an entity that</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Which one? 2 Q. Are Al Aqsa Martyrs Brigade and Fatah 3 the same thing in your opinion, or not? 4 A. Al Aqsa Martyrs Brigade is an element 5 of Fatah. 6 Q. Okay. 7 A. Fatah is more than the Al Aqsa Martyrs 8 Brigade. Al Aqsa Martyrs Brigade is Fatah. 9 Q. So if we did a Vin diagram and there 10 were two circles -- one was Fatah and one was Al 11 Aqsa Martyrs Brigades -- your opinion is that Al 12 Aqsa Martyrs Brigades is subsumed within Fatah? 13 A. Almost entirely. 14 Q. So portions of Al Aqsa Martyrs 15 Brigades are not subsumed within Fatah? 16 A. So in the real world, there is no such 17 thing as kind of pure hundred percent. 18 So you could have an individual who 19 gets angry at the Israelis and get radicalized, 20 and is just looking for someone that will provide 21 him with a weapon to do something. And he does</p>

<p style="text-align: right;">Page 178</p> <p>1 something, and Al Aqsa provided him the weapon 2 and claims credit for it. You could have things 3 like that. Is that guy really Al Aqsa? I mean, 4 there's a spectrum.</p> <p>5 But as an organization, yes, Al Aqsa 6 is pretty much included within Fatah. But Fatah 7 is much, much more than Al Aqsa.</p> <p>8 Q. Okay.</p> <p>9 A. And as I mentioned earlier, this 10 happened over a period of time.</p> <p>11 Al Aqsa really was created by 12 disgruntled Fatah militant youth. And Fatah then 13 later, in an effort not to lose momentum and 14 grassroots support, said, "Okay, boys, you're 15 part of us." But they did start off as something 16 somewhat different.</p> <p>17 They didn't get permission from the 18 heads of Fatah to do this, necessarily, or from 19 all the heads of Fatah. In time, Fatah embraced 20 and supported the Al Aqsa Martyrs Brigades.</p> <p>21 Q. Did the Al Aqsa Martyrs Brigades, as</p>	<p style="text-align: right;">Page 180</p> <p>1 there is no difference between Fatah and Al Aqsa 2 Martyrs Brigades.</p> <p>3 And, by the way, to answer your 4 earlier question: Yes, as I have here on Page 5 11, "Thus, it should not surprise that the 6 official U.S. government position is that the 7 AAMB is the military wing of Fatah. 'Fatah's 8 militant wing, the al-Aqsa Martyrs Brigade, 9 conducted numerous shooting attacks and suicide 10 bombings in 2004'."</p> <p>11 Q. So you still can't find an instance in 12 your report --</p> <p>13 A. Well, I'm just trying to save you 14 time --</p> <p>15 Q. No, that's quite all right.</p> <p>16 A. -- but I'm happy to continue reading 17 through.</p> <p>18 Q. Let's just make sure we get a clear 19 answer to the question, Dr. Levitt:</p> <p>20 You cannot find an instance in your 21 report where anyone from Fatah approved a</p>
<p style="text-align: right;">Page 179</p> <p>1 you've described it, ever get permission from 2 Fatah to do any terrorist operations?</p> <p>3 A. I believe we have some examples in the 4 report where it appears that they did, yes.</p> <p>5 Q. And where are those, sir?</p> <p>6 A. It's your time. I don't have the 7 report memorized. I'll read through it right 8 now, if you like.</p> <p>9 Q. Can you find one?</p> <p>10 A. I can certainly try.</p> <p>11 (Witness Reviews Document.)</p> <p>12 A. So what is your question again?</p> <p>13 Q. Can you find an instance in your 14 report where Fatah gave the Al Aqsa Martyrs 15 Brigades, as you've described it, permission to 16 engage in an act of terrorism?</p> <p>17 A. So certainly passive, and I'll explain 18 that in a second. And the implication is yes. 19 That is to say, Al Aqsa Martyrs is carrying out 20 attacks. Fatah refuses to disown them, disband 21 them, embraces them as their own, insists that</p>	<p style="text-align: right;">Page 181</p> <p>1 terrorist act by the Al Aqsa Martyrs Brigade?</p> <p>2 A. Well, I'll read through and we'll see.</p> <p>3 And maybe they do. And more likely they don't 4 because that's the nature of the operational 5 security at those organizations.</p> <p>6 (Witness Reviews Document.)</p> <p>7 A. And certainly embraced them after the 8 fact.</p> <p>9 (Witness Reviews Document.)</p> <p>10 A. On Page 15, we have two instances 11 where PA security services knew of pending 12 suicide attacks, but took no action to prevent 13 them.</p> <p>14 And when told of 232 terrorists wanted 15 by Israel, informed those people to take 16 cautionary measures to prevent arrest.</p> <p>17 Q. I appreciate that answer, sir. But 18 you still have not located --</p> <p>19 A. I'm still reading.</p> <p>20 Q. -- an instance where Fatah approved a 21 terrorist operation Al Aqsa Martyrs Brigades,</p>

<p>1 have you?</p> <p>2 MR. HORTON: Please finish your</p> <p>3 answer.</p> <p>4 (Witness Reviews Document.)</p> <p>5 A. Then on Page 16, we have payments to</p> <p>6 individuals who are directly involved in</p> <p>7 terrorism.</p> <p>8 (Witness Reviews Document.)</p> <p>9 A. On Page 19, we have a letter of Al</p> <p>10 Aqsa Martyr Brigade asking Arafat's aides,</p> <p>11 specifically, for funds for explosives.</p> <p>12 Q. And, again, sir, that is not</p> <p>13 responsive to my question.</p> <p>14 A. I think it is, actually.</p> <p>15 Q. I've asked you to find an instance</p> <p>16 where Fatah approved a terrorist action by AAMB.</p> <p>17 So far you've not been able to find one, have</p> <p>18 you?</p> <p>19 A. So if Fatah asks for funding for</p> <p>20 explosives and gets that, that's not approving</p> <p>21 the use of explosives?</p>	<p>Page 182</p> <p>1 A. Yes.</p> <p>2 Q. You believe that is to buy weapons?</p> <p>3 A. That's what it's talked about if you</p> <p>4 read up in the paragraph.</p> <p>5 Q. Okay. Well, we'll come back to that</p> <p>6 one.</p> <p>7 A. Because they write earlier, "We need</p> <p>8 every week 5-9 explosive charges. Handwritten</p> <p>9 notes tally the total at 20,000 New Israeli</p> <p>10 Shekels, NIS, per month."</p> <p>11 Q. And you believe that document was</p> <p>12 signed by President Arafat?</p> <p>13 A. That's what it indicates here, yes.</p> <p>14 Q. Where does it indicate that?</p> <p>15 A. At the bottom of the page, "a</p> <p>16 handwritten note signed by Arafat."</p> <p>17 Q. Which paragraph are you in?</p> <p>18 A. The end of the second paragraph that</p> <p>19 begins "Consider, for example," the very last</p> <p>20 sentence -- second to last sentence: Hassana</p> <p>21 Sheikh, S-H-E-I-K-H, requests \$2,500 for three</p>
<p>Page 183</p> <p>1 Q. There's no evidence they got that</p> <p>2 funding, is there?</p> <p>3 MR. HORTON: Hold on. You can't talk</p> <p>4 at the same time. Make sure you finish your</p> <p>5 answer.</p> <p>6 BY MR. HILL:</p> <p>7 Q. There's no evidence they got that</p> <p>8 funding, is there?</p> <p>9 (No Response.)</p> <p>10 Q. Is there, sir?</p> <p>11 A. The evidence is that Arafat signed</p> <p>12 saying that it should be allocated. And when the</p> <p>13 Head of States, or whatever the PA was --</p> <p>14 Q. Arafat signed which report, sir?</p> <p>15 MR. HORTON: Hold on, hold on.</p> <p>16 Have you finished your answer?</p> <p>17 A. The first big paragraph on Page 19, at</p> <p>18 the end, "At the bottom of the page, a</p> <p>19 handwritten note signed by Arafat on September 19</p> <p>20 instructs PA Treasury to allocate \$600 to each."</p> <p>21 Q. That's what you're referring to?</p>	<p>Page 185</p> <p>1 different Al Aqsa terrorists involved in a</p> <p>2 January 17, 2002 attack.</p> <p>3 Q. So you believe that the --</p> <p>4 A. And: At the bottom of the page,</p> <p>5 Arafat says to give each the money.</p> <p>6 Q. So you believe that the letter that's</p> <p>7 cited in Footnote 67, is the same document that's</p> <p>8 cited in Footnote 66?</p> <p>9 A. No, they're two different documents.</p> <p>10 Q. Okay. So I believe the pending</p> <p>11 question is still: Is there anywhere in your</p> <p>12 report that indicates Fatah approved an Al Aqsa</p> <p>13 Martyrs Brigade terrorist attack?</p> <p>14 A. There's nothing about them</p> <p>15 specifically approving a specific attack, which</p> <p>16 doesn't surprise. This is the nature of how such</p> <p>17 organizations work.</p> <p>18 Q. Isn't it true that Fatah, in fact,</p> <p>19 tried to disband the Al Aqsa Martyrs Brigade in</p> <p>20 early 2002?</p> <p>21 A. That's an interesting conversation.</p>

<p style="text-align: right;">Page 186</p> <p>1 In essence, no. 2 MR. HILL: Let's mark this report, 3 please. 4 (Defendant's Deposition Exhibit Number 5 187 was marked for identification.) 6 BY MR. HILL: 7 Q. We're handing you what we've marked as 8 Exhibit Number 187. This is a press report from 9 Agence, A-G-E-N-C-E, France Presse, P-R-E-S-S-E, 10 in English. Have you ever seen this before? 11 A. I don't know. 12 Q. Do you believe this to be a reliable 13 press outlet? 14 A. It is a respected press outlet, yes. 15 Q. If you'll see, the first paragraph 16 says, "The Al-Aqsa Martyrs Brigades, an armed 17 offshoot of Yasser Arafat's Fatah movement, said 18 Monday it was going to disband in line with a 19 decision made in secret by the Fatah leadership 20 last week." Do you see that? 21 A. Yep.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. So let's say -- 2 MR. HORTON: Hold on. Let him finish 3 his sentence. 4 A. If you don't have the capability to 5 fulfill your pledge, you know, don't promise 6 things you can't deliver on. And that's another 7 issue. 8 Q. Well, let's say hypothetically I said, 9 "I'm going to fly out of the room," and then I 10 didn't, that would be reneging on my pledge in a 11 sense, right? 12 A. Well, it's apples and oranges because 13 we all know you can't fly, and you would have 14 been laughed at for saying it, and no one would 15 have expected you to do it. 16 But in the case of Arafat, who is the 17 head of the PLO and the PA and Fatah, he 18 certainly had the capability, if he wanted, to be 19 able to exercise a monopoly over the use of 20 force. 21 Q. Did he have that capability in</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. And do you believe that statement to 2 be untrue? 3 A. Inaccurate. That is to say, I believe 4 the AFP accurately quoted some Al Aqsa person 5 that's saying it was planning to disband. In 6 fact, it did not disband. And, in fact, this was 7 not the only time that there was talk of either 8 disbanding Al Aqsa, or Palestinian militant 9 groups, in general, to include Al Aqsa. 10 Part of the frustration that the U.S. 11 Government had at the time, which ultimately led 12 the U.S. Government to decide that Arafat was not 13 someone that we could negotiate with, was that he 14 kept reneging on these types of pledges. 15 Q. So to renege on a pledge, one must 16 have the ability to accomplish what one promises 17 to do, correct? 18 A. Well, that's interesting. Probably 19 not. 20 To renege on a pledge, you simply need 21 to not fulfill the pledge.</p>	<p style="text-align: right;">Page 189</p> <p>1 February of 2002? 2 A. It would have been difficult, but he 3 would have been in a better position to have 4 known what he could or could not have done 5 in-house, than anybody else. Now -- 6 Q. So, why do you conclude -- 7 MR. HORTON: Are you finished with 8 your answer? 9 THE WITNESS: I wasn't. But, so be 10 it. 11 MR. HORTON: Please finish your 12 answer. 13 THE WITNESS: No, so be it. 14 BY MR. HILL: 15 Q. Why do you conclude that President 16 Arafat reneged on a promise to disband the Al 17 Aqsa Martyrs Brigade, as opposed to concluding 18 that he attempted to and was unable to do so? 19 A. Because the consensus across -- the 20 vast majority of people who focus on this issue, 21 is that he did not try, and that he was trying to</p>

<p style="text-align: right;">Page 190</p> <p>1 accommodate multiple different constituencies at 2 once.</p> <p>3 He was under pressure from us, 4 certainly from the Israelis, also. But he was 5 under pressure from the international community 6 to put an end to the PA and Fatah's involvement 7 with people who were carrying out acts of 8 terrorism.</p> <p>9 He struggles internally within Fatah. 10 And the whole reason, again, that he kind of 11 allowed these guys, is because he probably felt 12 he had no choice. He either co-opted them, as it 13 were, or began to lose control over Fatah.</p> <p>14 But be that as it may, the fact is 15 that several times he said he would, he did not. 16 And even in 2002, the bottom line is he had the 17 capabilities to do it, and later when it was in 18 his interest, because Al Aqsa began to be 19 involved in just about as much crime targeting 20 the Palestinian people, as it was terrorism 21 targeting Israelis, that he did, in fact, put</p>	<p style="text-align: right;">Page 192</p> <p>1 Is there, in fact, a consensus that 2 President Arafat had the ability to stop the Al 3 Aqsa Martyrs Brigade, and chose not to?</p> <p>4 A. I think that the dominant position is 5 that he did. There certainly are others, and 6 there are other experts involved in this case who 7 disagree --</p> <p>8 Q. Okay. Who shares this dominant 9 position with you?</p> <p>10 MR. HORTON: Hold on. Have you 11 finished?</p> <p>12 Counsel, you've got to give him a 13 chance to finish his answers. Ask whatever you 14 want, but you got to give him a chance to finish 15 his answers if we're going to proceed.</p> <p>16 BY MR. HILL:</p> <p>17 Q. Go ahead.</p> <p>18 A. Again, I don't follow this issue on a 19 regular basis now, so --</p> <p>20 Q. Is it true that you can't tell me the 21 name of an expert, other than yourself, that</p>
<p style="text-align: right;">Page 191</p> <p>1 down his foot and arrested key people and 2 sidelined others, and made it clear that there 3 are certain things you can't do.</p> <p>4 So he would maintain that it was very 5 difficult for him to crackdown on terrorism, but 6 if anybody within Al Aqsa, or anybody else, said 7 a bad thing about him or his health, they would 8 be at the receiving end of a swift, you know, 9 retribution.</p> <p>10 So he did have capabilities, and I get 11 into it in the report in a little more detail.</p> <p>12 Q. Now, you said there was a consensus 13 that President Arafat had the ability to stop the 14 Al Aqsa Martyrs Brigades, and chose not to; is 15 that right?</p> <p>16 A. The consensus was that -- and it's not 17 specific to Al Aqsa -- that he had the capability 18 to cease supporting individuals who are engaged 19 in terrorism, and did not.</p> <p>20 Q. Okay. So that's a little different 21 than what you told me earlier.</p>	<p style="text-align: right;">Page 193</p> <p>1 holds what you've just described to be the 2 dominant view?</p> <p>3 MR. HORTON: Here we are again, 4 counsel. He tried to finish his answer; you've 5 interrupted again. You're going to have to 6 restrain yourself simply to allow him to finish 7 his answer, and then you're welcome to ask 8 anything else you like.</p> <p>9 Do you have a question in mind now, 10 Dr. Levitt?</p> <p>11 A. I'm not about to try and recollect and 12 give you names on either side of this debate.</p> <p>13 Q. Okay.</p> <p>14 A. There is a debate, but in my 15 experience, having worked this very closely a 16 decade ago, it was overwhelmingly in favor. And, 17 in deed, it was the U.S. Government position that 18 Arafat made a conscious decision not to do what 19 he had to do, and could have done. And, 20 therefore, President Bush, at the time, declared 21 that he was not someone we'd continue to work</p>

<p style="text-align: right;">Page 194</p> <p>1 with. And needed it to wait until Fatah and the 2 PA -- I can't remember if he included Fatah in 3 that; maybe it was just the PA -- was no longer, 4 as he put it, tainted by terror.</p> <p>5 Q. Apart from President Bush, can you 6 give me the name of anyone that you believe holds 7 what you've described as the dominant view?</p> <p>8 A. No. And if I were to go back to my 9 office and do research, within minutes I'd be 10 able to give you many, many, many names.</p> <p>11 Q. Sir, do you believe that your 12 knowledge of this area has deteriorated over the 13 past decade?</p> <p>14 A. In terms of immediate recollection, 15 sure, so has my knowledge of the Redsox standings 16 from two weeks ago, and I love them dearly.</p> <p>17 I don't make it a point to try and 18 memorize and keep in my frontal lobe everything 19 that I've work on.</p> <p>20 What makes this easier in some ways is 21 that this is a historical question: What is my</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. But you don't know the name of an 2 academic that shares your view on this issue, do 3 you?</p> <p>4 A. You're not truly trying to compare my 5 Redsox with the Al Aqsa Martyrs Brigades, are 6 you?</p> <p>7 Q. You're more interested in the Redsox 8 than the Al Aqsa Martyrs Brigade?</p> <p>9 A. As a general principle, yes.</p> <p>10 THE REPORTER: Counsel, can we just 11 take five minutes?</p> <p>12 MR. HILL: Sure. Let's take a five 13 minute break.</p> <p>14 (Brief Recess.)</p> <p>15 MR. HILL: We'll mark that one next.</p> <p>16 (Defendant's Deposition Exhibit Number 17 188 was marked for identification.)</p> <p>18 BY MR. HILL:</p> <p>19 Q. Dr. Levitt, did you communicate with 20 anyone about the substance of your testimony 21 while we were on the break?</p>
<p style="text-align: right;">Page 195</p> <p>1 expert opinion based on, what evidence, of 2 activities that happened in a very distinct 3 period of time?</p> <p>4 So this does not need to be something 5 that is: What happened yesterday? How have 6 things changed since yesterday?</p> <p>7 This is a question of historical 8 consequence.</p> <p>9 Q. But here today you're not able to 10 recollect the name of a single academic that 11 shares what you have described as the dominant 12 view, with you?</p> <p>13 A. Because I'm not reading this 14 literature now.</p> <p>15 And, again, I'm a Redsox fan, I 16 couldn't tell you who played third base for us 17 over the past few weeks. I'm doing other things.</p> <p>18 Q. Do you know whether the Redsox are in 19 the Playoffs?</p> <p>20 A. The Redsox are blessedly in the 21 Playoffs.</p>	<p style="text-align: right;">Page 197</p> <p>1 A. No.</p> <p>2 Q. Let me show you what we've marked as 3 Exhibit Number 188. This is an article printed 4 from the Internet that you cite in Footnote 24 of 5 your report on Page 11. If you would look at 6 that.</p> <p>7 MR. HORTON: Counsel, by any chance 8 you have a second copy?</p> <p>9 MR. HILL: Oh, I beg your pardon.</p> <p>10 Yes, I do.</p> <p>11 MR. HORTON: Thank you.</p> <p>12 BY MR. HILL:</p> <p>13 Q. All right, sir. And if you look at 14 the report on Page 11, you're quoting someone 15 called Nasser, N-A-S-S-E-R, Badawi, B-A-D-A-W-I, 16 who you describe as an AAMB senior commander. Do 17 you see that?</p> <p>18 A. I do.</p> <p>19 Q. And the Footnote 24 is to the article 20 that we've marked and put in front of you, which 21 is Number 188?</p>

<p style="text-align: right;">Page 198</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And in this article -- by the</p> <p>3 way, this is something called salon.com. What is</p> <p>4 salon.com?</p> <p>5 A. It's an online magazine of sorts. I</p> <p>6 think it's owned by the Washington Post.</p> <p>7 Q. Do you have any concern about relying</p> <p>8 on a source that's online like salon.com?</p> <p>9 A. Not everything that's online is equal,</p> <p>10 but salon.com is a respected publication.</p> <p>11 Q. Okay. Are you aware that salon.com's</p> <p>12 founder has described itself as an online</p> <p>13 tabloid?</p> <p>14 A. No.</p> <p>15 Q. Does that cause you any concern about</p> <p>16 relying on the accuracy of the reporting here?</p> <p>17 A. No. I mean, I'm curious now to see</p> <p>18 what he's referring to. But it's actually</p> <p>19 considered a little bit serious, and it's not</p> <p>20 easy to publish in there.</p> <p>21 Q. Okay. Look, if you will, at the</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. You did not quote that portion of the</p> <p>2 article in your report, did you?</p> <p>3 A. I don't think I did.</p> <p>4 Q. The next says, "Its members recognize</p> <p>5 Yasser Arafat and even Marwan Barghouti as</p> <p>6 leaders of the political movement, but 'there is</p> <p>7 no direct relationship at all' between those</p> <p>8 leaders and the Brigades, Badawi maintains." Do</p> <p>9 you see that?</p> <p>10 A. I do.</p> <p>11 Q. And you did not quote that statement</p> <p>12 from Mr. Badawi, right?</p> <p>13 A. Correct.</p> <p>14 Q. Instead, you quoted a statement in the</p> <p>15 next paragraph which says, "We are still Fatah"?</p> <p>16 A. Correct.</p> <p>17 Q. So do you believe it's misleading to</p> <p>18 quote Mr. Badawi as saying, "We are still Fatah,"</p> <p>19 without quoting the prior paragraph where he said</p> <p>20 there was no direct relationship at all between</p> <p>21 Fatah leaders and the Brigades?</p>
<p style="text-align: right;">Page 199</p> <p>1 second page of this. The second paragraph is</p> <p>2 about this interview with this guy Badawi that</p> <p>3 you quote, right?</p> <p>4 A. The second full paragraph?</p> <p>5 Q. Yes.</p> <p>6 A. "Badawi says"?</p> <p>7 Q. Yeah. And in the second paragraph of</p> <p>8 this printout from Salon, it says, "Badawi paints</p> <p>9 a picture of the Brigades as issuing forth from</p> <p>10 grass-roots activists" --</p> <p>11 A. I'm sorry, I lost you. I'm sorry,</p> <p>12 this is the paragraph, "Badawi says the Brigades</p> <p>13 are bound"?</p> <p>14 Q. No, the previous paragraph.</p> <p>15 A. Okay. Sorry. Go ahead.</p> <p>16 Q. "Badawi paints a picture of the</p> <p>17 Brigades as issuing forth from grass-roots</p> <p>18 activists on the local level without any</p> <p>19 coordination with or instructions from the</p> <p>20 political echelon." Do you see that?</p> <p>21 A. I do.</p>	<p style="text-align: right;">Page 201</p> <p>1 A. Well, I might throw it back: Do you</p> <p>2 not think that there is an intrinsic</p> <p>3 contradiction in his terms?</p> <p>4 And within the considerable amount of</p> <p>5 evidence that's here in the report, that, in and</p> <p>6 of itself, is part of the point.</p> <p>7 Even Fatah's own people, even those</p> <p>8 who were trying to maintain that there was no</p> <p>9 contact, couldn't stop themselves, not one</p> <p>10 paragraph later, from saying that there was.</p> <p>11 Now, it's interesting. Maybe I should</p> <p>12 have written it as saying just that, "Badawi says</p> <p>13 at first that there is no direct relationship.</p> <p>14 But even he says, 'We are still Fatah'." That is</p> <p>15 my point.</p> <p>16 Q. Okay. So your point is that you</p> <p>17 believe Badawi when he says, "We are still</p> <p>18 Fatah," but you don't believe him when he says</p> <p>19 there's no direct relationship at all between the</p> <p>20 Brigades and the Fatah leadership?</p> <p>21 A. Based on the world of evidence that's</p>

<p style="text-align: right;">Page 202</p> <p>1 out there, yes, I think he's being untruthful 2 when he says there's no direct relationship at 3 all. 4 Or maybe to be more fair, maybe it's a 5 question of parsing words. Maybe he's saying, 6 you know, "They don't tell us go blow up that 7 bus. There's no direct relationship at all, but 8 we are still Fatah." 9 And maybe he and I would define 10 "direct" different. Maybe he sees "direct" 11 literally as "direction." Maybe I would see 12 "direct" as a direct connection with funding and 13 with propaganda, et cetera, getting your day 14 salary from within the PA and Fatah. I would 15 consider that "direct." So maybe it's not that 16 he's being untruthful. Maybe it's just how he 17 understands these words. 18 But to my reading here, even someone 19 who is trying to paint a picture, as the article 20 puts it, of being a group that has no direct 21 relationship at all, admits that they are still</p>	<p style="text-align: right;">Page 204</p> <p>1 return. 2 Q. Well, the concept of a cease-fire is 3 that both sides stop firing, right? 4 A. If it's a bilateral cease-fire. 5 Q. And this was purportedly a bilateral 6 cease-fire between Israel and Palestinian 7 militants, right? 8 A. I don't recall, but could be. 9 Again, you know, the Israelis, when 10 they're targeting someone like that -- and don't 11 get me wrong; I'm not agreeing with everytime 12 they're targeting somebody like that -- but it's 13 because they believe this is someone who's in the 14 process of plotting something. That, maybe to 15 them, isn't a cease-fire. 16 Q. Is it true that the payments that you 17 point to, to Mr. Karmi, or requested by Mr. Karmi 18 and others, all occurred before the December 2001 19 cease-fire? 20 A. Do you have a page? We can look. 21 Q. On Page 19, you reference a letter</p>
<p style="text-align: right;">Page 203</p> <p>1 Fatah, and that when Arafat did declare a 2 cease-fire in December, at one point, they obeyed 3 for that period of time. 4 Q. And that cease-fire that started in 5 December of 2001, lasted until approximately 6 January of 2002, right? 7 A. That sounds right. It lasted very 8 brief. I don't remember exact dates. 9 Q. And the reason that that cease-fire 10 ended, is because someone named Raed Karmi, 11 R-A-E-D, K-A-R-M-I, was assassinated by the 12 Israelis, right? 13 A. Well, it's that and more. 14 Raed Karmi, was targeted by the 15 Israelis because he was involved in terrorism. 16 They felt they had to take out someone who was 17 actively trying to plot the deaths of innocent 18 civilians. 19 And, then, the Palestinians felt that 20 the Israelis weren't being reciprocal when they 21 had issued a cease-fire, and there wasn't one in</p>	<p style="text-align: right;">Page 205</p> <p>1 requesting money from Mr. Karmi, right? 2 A. What paragraph are you in? 3 Q. The second paragraph. 4 A. The second paragraph. So this is a 5 letter dated September 9th, 2001. So it does 6 predate. 7 Q. Have you ever considered whether the 8 monies that were requested there were to engage 9 in a cease-fire? 10 A. Well, play out your hypothetical for 11 me. What, during a cease-fire, requires what 12 funding? The cessation of shooting requires 13 special funding for what? 14 Q. Have you ever heard of a policy 15 whereby a government will pay militants to not 16 engage in military activity? 17 A. I have. 18 Q. In fact, our government, The United 19 States, has engaged in precisely that policy; has 20 it not? 21 A. Sometimes.</p>

<p style="text-align: right;">Page 206</p> <p>1 Q. Would it be inappropriate for the PA 2 to pay militants to stop engaging in militant 3 activity?</p> <p>4 A. Well, that's a tough one.</p> <p>5 Part of it is within the context of 6 the fact that the Palestinian authority, 7 throughout this period and continuing past the 8 period that we're focused on here, had 9 cease-fires, or pledged it was going to 10 crackdown, or whatever. Or said they'd arrested 11 people, and let them out the back door. It was 12 never consistent.</p> <p>13 So on that track record, maybe you'd 14 have a little less faith in the idea of providing 15 funds to individuals who are wanted, suspected 16 terrorists, for the purpose of convincing them 17 not to do something.</p> <p>18 If it's not consistent, then all it 19 does is provide someone who, at a later date -- 20 in a week, or a month, or whatever -- will do 21 something dangerous with the money you've just</p>	<p>1 through Hezbollah, was providing funds directly 2 to Al Aqsa Martyrs.</p> <p>3 And at this time, though, it's 4 primarily still Hamas and Palestinian Islamic 5 Jihad, who were getting money from outside.</p> <p>6 Q. And were Hamas or Palestinian Islamic 7 Jihad militants paying money to Fatah militants 8 at this time?</p> <p>9 A. There were instances where that 10 happened. I can't remember if it was in this 11 time or if it's in this report, but there were 12 times when they co-operated together.</p> <p>13 I can't remember if it was directly 14 Hamas kind of paying the salary of an Al Aqsa 15 guy, or providing funds to, but there were times, 16 for example, when they co-operated to carry out 17 an operation.</p> <p>18 And, so, the way it would work is 19 that, you know, as it would happen in one 20 particular place facing security crackdowns, you 21 know, one group might have a suicide bomber, and</p>
<p style="text-align: right;">Page 207</p> <p>1 provided them.</p> <p>2 You mentioned that the United States 3 has done this sometimes. And there are some 4 instances where we usually, through proxies, have 5 done this, and it's usually come to bite us in 6 the derriere.</p> <p>7 So this is well before the cease-fire, 8 in any event. This is not during the cease-fire. 9 This is not leading up to the cease-fire. There 10 is no evidence this has anything to do with the 11 cease-fire.</p> <p>12 Q. Are you aware of any indication that 13 interests outside of the West Bank were funneling 14 money to Palestinian militants during this time 15 frame?</p> <p>16 A. Certainly. Though, it wasn't 17 primarily the Al Aqsa Martyrs Brigades. Al Aqsa 18 Martyrs was getting money from the outside a few 19 years later, after the period that we're focused 20 on in this case.</p> <p>21 There was a time later when Iran,</p>	<p>1 then another group might have a bomb, and they'd 2 co-operate to carry out something together.</p> <p>3 There were reports of operating 4 together in a kind of war room of sorts in Jenin 5 at one point. I don't want to get beyond what's 6 in the report. I can't remember if that's in the 7 reporter, or if it's in the time that we're 8 talking about or not.</p> <p>9 Q. Well, I guess the question I want to 10 pose to you, sir, is: Why do you believe that 11 these payments that you reference as having 12 happened here, were to support terrorism as 13 opposed to payments to militants to stop 14 terrorism?</p> <p>15 A. Because there's plenty of evidence 16 that these people were and continued to engage in 17 terrorism. And there's none -- I've not seen any 18 evidence speaking to Israelis, Palestinians, 19 Americans, that that's what these payments were 20 about. There's just no evidence for it.</p> <p>21 Q. Okay. So when PA officials indicated</p>

<p style="text-align: right;">Page 210</p> <p>1 that the payments were to encourage militants to 2 stop engaging in military activity, you've 3 disregarded those statements?</p> <p>4 A. You'd have to show me a source that 5 says that.</p> <p>6 Q. Well, let's try it this way: 7 (Defendant's Deposition Exhibit Number 8 189 was marked for identification.)</p> <p>9 BY MR. HILL:</p> <p>10 Q. We've handed you what we've marked as 11 Exhibit 189, which is an April 1st, 2004 report 12 by the BBC. You consider the BBC to be a 13 reliable press agency; do you not, sir?</p> <p>14 A. Let's be clear. This is not BBC. 15 This is BBC Worldwide Monitoring, 16 which is simply a translation service. This is 17 actually from Al-Hayat al-Jadidah.</p> <p>18 THE REPORTER: This is from where?</p> <p>19 THE WITNESS: A-L hyphen H-A-Y-A-T, 20 new word, A-L hyphen J-A-D-I-D-A-H.</p> <p>21 A. A Palestinian publication in the West</p>	<p style="text-align: right;">Page 212</p> <p>1 seeks calm. He added that the PNA policy has 2 been to embrace the 'brothers in Al-Aqsa Martyrs 3 Brigades so that they will fall in line with the 4 PNA political line and thus avoid security 5 lawlessness'." Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Are you familiar with the sorts of 8 reports from this time frame?</p> <p>9 A. Yes.</p> <p>10 So to answer your first question: I 11 do think that by virtue of the fact that this is 12 a PA statement being made to a sympathetic PA 13 outlet, makes it less credible than if it had 14 actually been, for example, the BBC or something 15 else.</p> <p>16 It is around this time -- we're 17 jumping ahead now.</p> <p>18 Q. Go ahead.</p> <p>19 A. I'm sorry. I just didn't want to 20 interrupt you.</p> <p>21 We're jumping ahead now. This is a</p>
<p style="text-align: right;">Page 211</p> <p>1 Bank that was close to the Palestinian authority, 2 which the BBC is just translating.</p> <p>3 Q. Okay. And do you think that because 4 it appeared in that publication, that the 5 statement is unreliable or should be disregarded?</p> <p>6 A. Well, let's see what the statement is. 7 What are we talking about?</p> <p>8 Q. Look at the third paragraph, it says, 9 "Speaking to Al-Hayat al-Jadidah, Hamayil said 10 these accusations are a flagrant game. Some five 11 months ago, Israel leaked similar information 12 with the aim of making the public adopt positions 13 against the PNA and Arafat. He added that the 14 whole story boils down to that the PNA, at the 15 time of the Abu-Mazin Mahmud Abbas government, 16 with the knowledge of the US administration and 17 the Israeli government and with the aim of 18 calming down the situation, sought to embrace 19 Al-Aqsa Martyrs Brigades activists and help them. 20 Many of them are unemployed and thus exposed to 21 parties that do not accept the PNA policy, which</p>	<p style="text-align: right;">Page 213</p> <p>1 report from April 2004, which is well beyond the 2 period that we're talking about here. And at 3 this point, the PA and Fatah financial hands-out 4 for the Al Aqsa Martyrs Brigades had caused such 5 a stir that the European Union, in 2004, was 6 considering, and I think eventually did cut 7 significant payments to the Palestinian Authority 8 or the Palestinian National Authority, PA, PNA. 9 And, so, the PA was on a blitz at this point 10 trying to say, "No, no, it's not true."</p> <p>11 Parenthetically, on Page 19, the start 12 of this conversation under the question of why 13 does one believe that this is not simply trying 14 to buy off good behavior?</p> <p>15 One, this is 2001. And what you just 16 showed me is three, four years later, more than 17 three years later.</p> <p>18 But second, there's two different 19 things cited, two different letters cited in 20 these. The second one was the September 9th that 21 we were talking about. It comes in the context</p>

<p style="text-align: right;">Page 214</p> <p>1 of the one above, which is September 16th, even a 2 few days later.</p> <p>3 So let's even work with your 4 assumption that on September 9th, what they were 5 secretly trying to do is buy off good behavior.</p> <p>6 In fact, a few days later, seven days 7 later on September 16th, there's another letter 8 which is talking about something that is clearly 9 not "Be good."</p> <p>10 It's talking about the cost of an 11 explosive charge, "We need every week 5-9 12 explosive charges for squads in various areas."</p> <p>13 I'd argue that's pretty explicitly not 14 cease-fire talk.</p> <p>15 Q. Okay. And, so, you're referring to 16 the document that is involved with your Number 17 66? You believe that's inconsistent with 18 cease-fire talk?</p> <p>19 A. Correct. And comes a few days after 20 the document we were talking about earlier, which 21 is in Footnote 67. It's the same footnote. It's</p>	<p style="text-align: right;">Page 216</p> <p>1 politicians do, which is trying to spin a 2 difficult situation.</p> <p>3 There is tremendous amounts of press, 4 much more -- if you were to put a pile of this 5 type of press on one side, and the heat that was 6 going on about the EU withdrawing fundings in the 7 other, that would be a much higher pile. And, 8 so, there was -- this is damage control.</p> <p>9 MR. HILL: Okay. Let's mark this one. 10 (Defendant's Deposition Exhibit Number 11 190 was marked for identification.)</p> <p>12 BY MR. HILL:</p> <p>13 Q. We're handing you what we've marked as 14 Exhibit 190. This is a BBC News.</p> <p>15 A. One second. I want to make sure I 16 keep these in order.</p> <p>17 Sorry. Okay. 190.</p> <p>18 Q. And do you believe the BBC to be a 19 reliable source of information?</p> <p>20 A. The BBC is a good journalistic outlet.</p> <p>21 Q. If you'll see under the heading</p>
<p style="text-align: right;">Page 215</p> <p>1 a report which includes as appendices all these 2 different letters.</p> <p>3 Q. Okay.</p> <p>4 A. So it's actually the same citation 5 below, just two obviously different letters 6 included in that report.</p> <p>7 Q. Well, I'm afraid we'll have to get to 8 that issue tomorrow.</p> <p>9 But let me ask you about this, about 10 the exhibit that's in front of you, the statement 11 of Mr. Hamayil in 2004. Do you believe the 12 statements that are reported in this exhibit are 13 untrue?</p> <p>14 A. Yes.</p> <p>15 MR. HORTON: To be clear, we're 16 talking about Defendant's Exhibit Number 189?</p> <p>17 MR. HILL: Yes, sir.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. You believe Mr. Hamayil is not 20 telling the truth in this instance?</p> <p>21 A. I believe Mr. Hamayil is doing what</p>	<p style="text-align: right;">Page 217</p> <p>1 "Living expenses," it says, "Abdel Fattah 2 Hamayel," that's the same person we were talking 3 about before, right?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever met him?</p> <p>6 A. No, I have not met him.</p> <p>7 Q. "The minister for sports and youth 8 until Abu Mazen resigned in September implemented 9 the policy of paying what he describes as living 10 expenses to the gunmen. He told Correspondent: 11 'Originally, some people in these groups had been 12 chosen to work for the security services, so they 13 were getting salaries and still are doing so.'</p> <p>14 "He says this summer a decision was 15 taken by the Palestinian Cabinet to pay living 16 expenses to those al-Aqsa members not getting 17 these salaries to help support their families.</p> <p>18 "He says the money is intended to 19 ensure that al-Aqsa members were not influenced 20 by outside organizations to carry out further 21 suicide bombings. Al-Aqsa has not claimed to</p>

<p style="text-align: right;">Page 218</p> <p>1 have carried out any suicide bombings since May."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you did not put those</p> <p>5 quotes from Mr. Hamayel into your report, did</p> <p>6 you?</p> <p>7 A. Oh, absolutely not.</p> <p>8 Q. And that's because you believe those</p> <p>9 statements of Mr. Hamayel to be untrue?</p> <p>10 A. Again, it's not a question -- you</p> <p>11 know, there's a lot of truth in a lot of</p> <p>12 different statements.</p> <p>13 I believe them to be inaccurate.</p> <p>14 The Palestinian authority's under</p> <p>15 tremendous pressure to all either cease payments</p> <p>16 to all Al Aqsa Martyr militants, or to get them</p> <p>17 to stop their ways, drop out of Al Aqsa, return</p> <p>18 back to whichever post and security service they</p> <p>19 had been part of, and to reinstate a monopoly on</p> <p>20 the use of forces any sovereign state should.</p> <p>21 And here he's explaining why: "Well,</p>	<p style="text-align: right;">Page 220</p> <p>1 and say, "Well, we have to."</p> <p>2 They were very, very concerned about</p> <p>3 what happens if they do what's being asked of</p> <p>4 them, and then they get all these angry militants</p> <p>5 who are not getting salaries, and then they would</p> <p>6 have to have a Palestinian-on-Palestinian</p> <p>7 confrontation. That would have been difficult,</p> <p>8 no question. But sometimes that's what's</p> <p>9 required.</p> <p>10 And you can't imagine anybody</p> <p>11 accepting the Israelis saying, "Well, we got some</p> <p>12 Jewish terrorists and we really should stop them,</p> <p>13 but it's really uncomfortable for us to take on</p> <p>14 Jewish terrorists that's fellow Jews, so we're</p> <p>15 just not going to do it."</p> <p>16 And, so, that's what this is about.</p> <p>17 Q. Sir, the testimony you just gave,</p> <p>18 you're purporting to explain what Mr. Hamayel was</p> <p>19 thinking when he made these statements? Is</p> <p>20 that --</p> <p>21 A. I'm not in his head. But this was</p>
<p style="text-align: right;">Page 219</p> <p>1 we're sort of doing that, but we're not. We need</p> <p>2 to give salaries to the Aqsa guys.</p> <p>3 What the international community,</p> <p>4 eventually the Quartet and others were</p> <p>5 saying is, "No. You need to get the Al Aqsa guys</p> <p>6 to stop engaging in terrorist behavior. Then you</p> <p>7 can provide them salaries as they're working for</p> <p>8 Palestinian security force, or whatever it is,</p> <p>9 but you cannot pay the salaries of a guy who's</p> <p>10 engaged in terrorism.</p> <p>11 By -- when was this? This one here is</p> <p>12 late 2003. So I can't remember it. We can look</p> <p>13 in the document when it was that they were</p> <p>14 officially designated by the U.S.</p> <p>15 And the European issue really came up</p> <p>16 I think mostly 2004. It might have been also</p> <p>17 late 2003, at this point. The funding wasn't cut</p> <p>18 back, but the discussion had already started in</p> <p>19 late 2003.</p> <p>20 It was a lot of pressure. And this</p> <p>21 was trying to kind of push back, push the envelop</p>	<p style="text-align: right;">Page 221</p> <p>1 something that was going on throughout the</p> <p>2 Palestinian authority. I'm explaining the</p> <p>3 context that was going on.</p> <p>4 Q. But you're explaining what the policy</p> <p>5 of the Palestinian authority was at this time?</p> <p>6 A. Well, I wouldn't call it policy.</p> <p>7 Their policy was two-faced, is the</p> <p>8 bottom line. They were trying to avoid having to</p> <p>9 do --</p> <p>10 MR. HORTON: Hold it.</p> <p>11 Q. Sir, let's try and get an answer to</p> <p>12 this question:</p> <p>13 You're purporting to explain what the</p> <p>14 Palestinian authority's policy was with respect</p> <p>15 to Palestinian militants at this time; is that</p> <p>16 right?</p> <p>17 A. I wouldn't put that it way. But, in</p> <p>18 essence, yes.</p> <p>19 Q. Okay. And who from the Palestinian</p> <p>20 authority has told you what you just told me?</p> <p>21 A. Again, I can't remember offhand the</p>

<p style="text-align: right;">Page 222</p> <p>1 names of who I've spoken to. But around this 2 time I was going -- 3 Q. Sir -- 4 MR. HORTON: Hold, hold, hold it. 5 You've got to let him finish his answers. If he 6 can't finish his answers -- 7 MR. HILL: He did. 8 MR. HORTON: -- there aren't going to 9 be anymore questions. 10 THE WITNESS: No, actually, I didn't. 11 MR. HORTON: He didn't. 12 THE WITNESS: Mid-word, not 13 mid-sentence. 14 BY MR. HILL: 15 Q. So what's the name of the person that 16 told you this? 17 A. So as I was saying when you 18 interrupted me: I don't have a record in front 19 of me of who I've ever met. However, around this 20 time, I was going to Ramallah about once a year 21 meeting with Palestinian authority officials,</p>	<p style="text-align: right;">Page 224</p> <p>1 Can you tell me who you met with on 2 September 19th in 2002? 3 Q. Well, maybe if I was offering myself 4 as an expert in a case, I would try. 5 A. I don't think that even as an expert 6 in a case, you'd be able to remember what you did 7 on a specific date ten years ago. 8 Q. But you can't even tell me the name of 9 somebody you met regardless of the date, can you, 10 sir? 11 A. Because I don't have any of it in 12 front of me. And I apologize deeply if that 13 frustrates you so. 14 MR. HILL: It's one o'clock. Why 15 don't we break here for the day. 16 MR. HORTON: Okay. 17 MR. HILL: And we'll pick up again at 18 10:30 tomorrow morning. 19 Dr. Levitt, you understand that you're 20 still under oath, and that you're not allowed to 21 talk about the substance of your testimony with</p>
<p style="text-align: right;">Page 223</p> <p>1 police, Ministry of Interior, and others. 2 Q. You went to Ramallah in 2003? 3 A. I'd have to check, but I think I was 4 in Ramallah in 2003. 5 Q. Which month? 6 A. I'd have to check. 7 Q. Did you go to Ramallah in 2002? 8 A. I don't remember. And I don't want to 9 say I was there in 2003, either. I'd have to 10 check. 11 Q. Did you go to Ramallah in 2001? 12 A. 2001 I almost all the year was still 13 with the FBI. No, I'd have to check. 14 Q. But you can't tell me the name of 15 anybody you talked to on one of these trips to 16 Ramallah that you may have taken in 2002 or 2003, 17 can you? 18 A. I know it's frustrating to you, but no 19 matter how many times you ask the question, my 20 memory's not going to be any better. I just 21 don't have it in front of me.</p>	<p style="text-align: right;">Page 225</p> <p>1 anyone until we've concluded the deposition 2 tomorrow, correct? 3 THE WITNESS: That's correct. 4 (Reading and signing requested.) 5 (Deposition adjourned at 1:00 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21</p>

<p style="text-align: right;">Page 226</p> <p>1 CERTIFICATE OF CERTIFIED COURT REPORTER 2 I, CHERYL JEFFERIES, a Certified Court 3 Reporter, do hereby certify that the within-named 4 witness personally appeared before me at the time 5 and place herein set out, and after having been 6 duly sworn by me, according to law, was examined 7 by counsel. 8 I further certify that the examination 9 was recorded stenographically by me and this 10 transcript is a true record of the proceedings. 11 I further certify that I am not of 12 counsel to any of the parties, nor in any way 13 interested in the outcome of this action. 14 As witness my hand this 30th day of 15 September, 2013. 16 17 ----- 18 Cheryl Jefferies 19 Certified Court Reporter 20 21</p>	<p style="text-align: right;">Page 228</p> <p>1 ERRATA SHEET 2 DEPOSITION OF DR. MATTHEW LEVITT: 3 PAGE # LINE # CORRECTION REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____</p>
<p style="text-align: right;">Page 227</p> <p>1 DATE SENT: September 30, 2013 2 ERRATA SHEET 3 DEPOSITION OF: Dr. Matthew Levitt - Volume I 4 DATE: September 24, 2013 5 CASE: Mark Sokolow, et al vs. The Palestine Liberation Org, et al 6 INSTRUCTIONS: 7 1. Please read the transcript of your deposition and make note of any corrections or changes on this Errata Sheet. 9 2. Indicate below general reason for change, such as: A. To correct stenographic error. B. To clarify record. C. To conform to the facts. 12 3. Sign the Certificate of Deponent page. 13 4. Within 30 days of the Date Sent, return this Errata Sheet, and signed Certificate of Deponent, to the Attorneys listed on the Appearance page. 16 PAGE # LINE # CORRECTION REASON 17 _____ 18 _____ 19 _____ 20 _____ 21 _____</p>	<p style="text-align: right;">Page 229</p> <p>1 CERTIFICATE OF DEPONENT 2 I hereby certify that I have read and 3 examined the foregoing transcript and: 4 (Check one of the following) 5 () The same is a true and accurate 6 record of the testimony given by me, and I have 7 made no corrections to this transcript. 8 -OR- 9 () Any additions or corrections 10 that I feel are necessary, I have listed on the 11 attached Errata Sheet. 12 As witness my hand and signature this 13 _____ day of _____. 14 15 ----- 16 DR. MATTHEW LEVITT 17 18 19 20 21</p>